

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

HOME DEPOT USA, INC.

Plaintiff,

vs.

OCCUPATIONAL SAFETY & HEALTH
ADMINISTRATION,

Defendant.

CIVIL ACTION

FILE NO:

1 04 - CV 0915
-RLV

COMPLAINT SEEKING JUDICIAL REVIEW OF FINAL AGENCY ACTION

COMES NOW Home Depot USA, Inc. ("Home Depot"), pursuant to the Freedom of Information Act, 5. U.S.C. § 552^{(b)(1)} et seq., and files this Complaint seeking judicial review of a final agency action of the Occupational Safety and Health Administration ("OSHA"), and respectfully shows this Court as follows:

1.

Plaintiff Home Depot is a corporation organized under the laws of the State of Delaware, with its principal place of business located in Cobb County, Georgia.

2.

Defendant OSHA is an agency of the United States government and may be served, pursuant to Fed.R. Civ.P. 4(i)(1) and 4(i)(2)(A), by delivering a copy of the summons and Complaint to

RECEIVED
Clerk of Court
[Signature]

the United States Attorney for this District at Richard B. Russell Federal Building, 75 Spring Street, S.W., Suite 600 Atlanta, GA 30303-3309, by sending a copy of the summons and Complaint by registered or certified mail to the Attorney General of the United States at 950 Pennsylvania Avenue, N.W., Washington, D.C. 20350, and by sending a copy of the summons and Complaint by registered or certified mail to OSHA at 200 Constitution Avenue, N.W., Washington, D.C. 20210.

3.

This Court has jurisdiction over this matter pursuant to 5 U.S.C. § 522 (a) (4) (B).

4.

As Home Depot's principal place of business is located in this District and Division, venue is proper in this Court, pursuant to 5 U.S.C. § 522(a) (4) (B).

5.

On or about August 11, 2003, Plaintiff Home Depot, by and through counsel, made a written request, pursuant to the Freedom of Information Act, to OSHA for information relating to OSHA's investigation of the fatal injury to Mr. Gocho Kolev that occurred on December 10, 2002, at Home Depot's Lawrenceville, Georgia retail location. (See Exhibit A).

6.

By letter dated August 19, 2003, the Atlanta East Area Office of OSHA responded to that FOIA request. In that response, OSHA refused to turn over all witness statements taken at the scene of the incident, citing "Exemption 7" to FOIA. (See Exhibit B).

7.

By letter dated December 1, 2003, Home Depot, again through counsel, timely filed an appeal, pursuant to 29 C.F.R. 70.49, of the agency's decision to withhold all witness statements pursuant to "Exemption 7." (See Exhibit C).

8.

By letter dated March 4, 2004, the Solicitor of Labor's office affirmed OSHA's decision to withhold the witness statement(s) in their entirety, based upon exemptions 7(C) and 7(D) of FOIA. (See Exhibit D).

9.

In that same correspondence, the Solicitor of Labor's office notified Home Depot that its determination "constitutes final agency action for purposes of judicial review."

10.

Home Depot is currently a civil Defendant in a series of lawsuits brought by the Administratrix of the Estate of Gocho

Kolev, Ganna Zivoluba, and the parents of Gocho Kolev, Rusin and Bogdanka Kolev. Those lawsuits, pending in the State Court of Cobb County, assert claims of wrongful death and survival actions against Home Depot based upon the death of Gocho Kolev.

11.

On December 10, 2002, two cleaning contractors, Gocho Kolev and Todor Stanev (apparently an illegal immigrant), entered the Lawrenceville Home Depot store to apparently perform some cleaning. The incident occurred at approximately 4:45 p.m. Mr. Kolev and Mr. Stanev had lowered a large "speed" door and were in the process of cleaning it. Mr. Kolev was working on the interior side of the door and Mr. Stanev was working on the exterior. Mr. Kolev was atop a ladder cleaning the door where it attaches to a spindle, upon which it winds when activated. The purpose of the door is to allow quick and easy access from the lumber area to the exterior. It also shields the store from weather. Mr. Stanev was on the outside of the door while Mr. Kolev was on top of a ladder cleaning. Suddenly, the door started to go up, and, in essence, sucked Mr. Kolev into the door up to his waist. Mr. Kolev died of compression asphyxia.

12.

At Home Depot, Maurice Tanksley was on the inside of the subject store near where Mr. Kolev was working. The door could

be opened by keying in the store code either on the keypad inside and adjacent to the door or on another keypad adjacent to the door outside. Mr. Tanksley saw through clear plastic panels in the door Mr. Stanev walk over to the area of the outside keypad. The door then began to rise.

12.

On the date of the incident, counsel for Home Depot was at the Lawrenceville location. At that time, he was informed by the OSHA Safety Specialist on scene, Mr. Caliestro Spencer, that Mr. Kolev's co-worker, Mr. Stanev, was too emotionally distraught to be interviewed.

13.

Upon information and belief, Mr. Spencer spoke directly with Mr. Stanev, who admitted that he had keyed in the door code utilizing the outside key pad at the store and that is what caused the door to roll up entrapping Mr. Kolev.

14.

During the course of discovery in the state court actions, Mr. Stanev, who based upon the last information known to Plaintiff's counsel is currently incarcerated on immigration charges in Alabama, was deposed. During that deposition, Mr. Stanev testified that the door was not working properly and that someone from Home Depot, prior to Mr. Kolev becoming entrapped

in the door, had worked on one of the keypads, thus inferring that the keypads were not working properly. Upon information and belief, Mr. Stanev never told this to Spencer on the day of the incident. Mr. Stanev also denied keying in the store code on the outside keypad.

15.

The fact that OSHA investigators prohibited Home Depot from interviewing Mr. Stanev the night of the incident has seriously impeded Home Depot's ability to properly defend itself in these state court lawsuits.

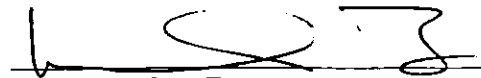
16.

Despite OSHA's assertions to the contrary, exemptions 7(C) and 7(D) do not authorize it to withhold the requested witness statements in this matter.

WHEREFORE, Home Depot respectfully requests that this Court inquire into this matter, and enjoin OSHA from withholding the requested witness statements.

Respectfully submitted this 2 day of April, 2004.

HAWKINS & PARNELL, LLP



Warner S. Fox
Georgia Bar No. 272654
Counsel for Plaintiff

4000 SunTrust Plaza
303 Peachtree Street, NE
Atlanta, Georgia 30308-3243
404-614-7400

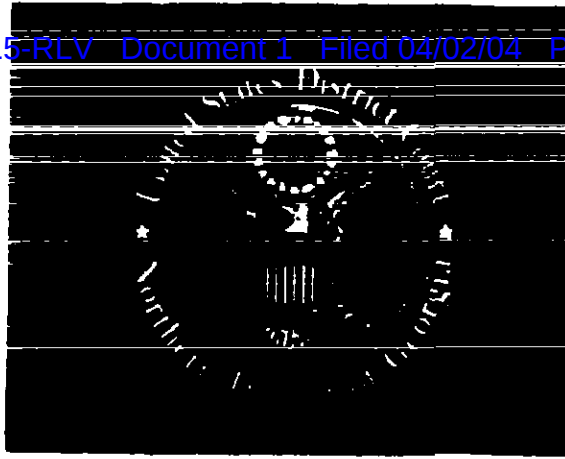


EXHIBIT / ATTACHMENT

A

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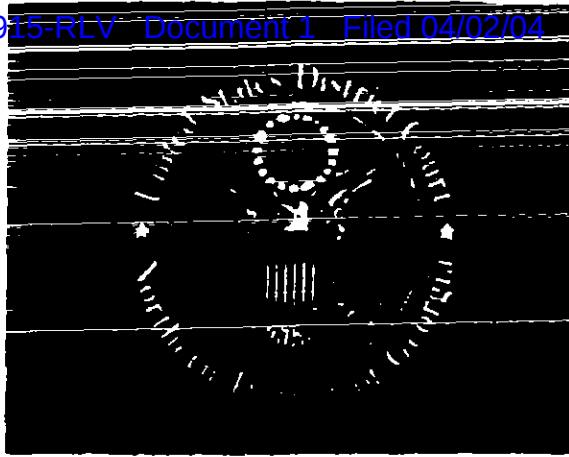


EXHIBIT / ATTACHMENT

B

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Occupational Safety and Health Administration
Atlanta East Area Office
2105 Northlake Parkway
Building 7, Suite 110
Tucker, GA 30084
Phone: 770-493-6644
Fax: 770-493-7725



Reply to the Attention of: Gei-Thae Breezley

August 19, 2003

Hawkins & Parnell, LLP
Elizabeth Bell
4000 Suntrust Plaza
202 Peachtree Street, NE
Atlanta, GA 30308

Re: Freedom of Information Act Request #2003-90 for:
Home Depot

Dear Ms. Bell:

Enclosed is the information which you requested under the Freedom of Information Act regarding the above referenced investigative file(s).

Occupational Safety and Health files contain records compiled for law enforcement purposes and information contained in such records may be withheld in accordance with exemption 7 of the Freedom of Information Act (5 U.S.C. 552(b)(7)) and the Department of Labor regulation, specifically 29 CFR 70.27. I have determined, however, that some information can be released to you in the public interest which would not impede the discharge of any of the department's functions.

29 CFR 70.62 provides that the Department of Labor may charge \$2.50 per quarter man-hour spent in locating the file, \$5.00 per quarter man-hour spent in review and \$0.15 per reproduced page for copies of file documents. In this instance, 1 hour were spent in clerical search & review, 2 hours spent in professional search & review, there are 59 pages of reproduced files, and mailing fees, **therefore your check or money order in the amount of \$13.85, should be made payable to "Department of Labor" and mailed to the above address. Please include your FOIA number with payment.**

Certain information contained in the investigative file has been deleted. The deletions and the reasons therefore are as follows:

- A. The following items have been deleted because it contains matters protected from disclosure by a statute. (Exemption 1 of the Freedom of Information Act, 29 CFR 70.21 (a), (b), (c).

Exemption 1 - None.

- B. The following items have been deleted because they involve either/or trade secrets, financial information and are privileged and confidential. Disclosure of these documents would impede the discharge of Department of Labor functions and would not serve the public interest. (Exemption 4 of the Freedom of Information Act, 29 CFR 70.24 (a), (b), (d), (e) and (f).

Exemption 4 - None

- C. The following items have been deleted because they contain opinions contained in intra or interagency memoranda and letters. Matters that are opinions, evaluative or subjective in nature or exempted from disclosure by (Exemption 5 of the Freedom of Information Act, 29 CFR 70.25).

Exemption 5 – Diary Sheets
OSHA Form 1A - Evaluations codes and opinions
OSHA Form 1A - Supplement names, opinions
Inter office memoranda worksheets

- D. The following items have been deleted because they are personnel, medical and/or similar files. Disclosure of these documents would constitute a clearly unwarranted invasion of privacy and are exempt from disclosure by (Exemption 6 of the Freedom of Information Act, 29 CFR 70.26).

Exemption 6 – None

- E. The following items have been deleted because they are contained in the investigatory file compiled for law enforcement proceedings and/or disclose the identities of confidential sources. These items are exempt from disclosure by 29 CFR 70.27 (Exemption 7(a), 7(b), 7(c), 7(d), 7(e) and 7(f) of the Freedom of Information Act).

Exemption 7 – Witness statements

Pursuant to 29 CFR 70.49, you are advised that a review of any or all of the foregoing denials of your request may be had by filing, within 90 days from the date of this letter, a written appeal to the

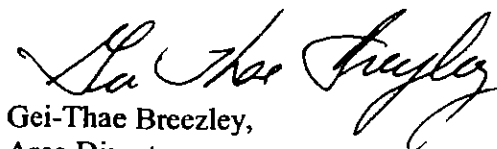
Solicitor of Labor
Suite N-2428
200 Constitution Avenue
N.W., Washington, D.C. 20210

as provided by 29 CFR 70.50. To expedite, the following should appear on the letter and envelope: "F.O.I.A. APPEAL". The determinations of the Solicitor of Labor are subject to judicial review as provided by 5 U.S.C. 552.

I, the undersigned Area Director, am responsible for this information, my title is indicated below and official address appears at the heading of this letter.

If I may be of further assistance in this matter, please contact me.

Sincerely,


Gei-Thae Breezley,
Area Director



Inspection Report

Mon Mar 24, 2003 4:44pm

Rpt ID	Assignment Nr.	CSHO ID	Supervisor ID	Inspection Nr.	Opt. Insp. Nr.
0418100	0			304634207	

Establishment Name			The Home Depot, Store #126		
Site Address	875 Lawrenceville-Suwanne Road Lawrenceville, GA 30043		Site Phone	(770) 338-9830	Site FAX
Mailing Address	875 Lawrenceville-Suwanne Road Lawrenceville, GA 30043		Mail Phone	(770) 338-9830	Mail FAX
Controlling Corp			Employer ID	581853319	
Ownership	A. Private Sector		City	3100	County 135
Legal Entity			Previous Activity (State Only)		

Related Activity					
Type	Number	Satisfied	Type	Number	Satisfied
A. Accident	101281780				

Employed in Establishment		Advance Notice?	No	Category	S. Safety
Covered By Inspection		Union?	No	Interviewed?	Yes
Controlled By Employer		Walkaround?	Yes		
Primary SIC	5211	Secondary SIC		Inspected	
Primary NAICS		Secondary NAICS		NAICS Inspected	

Inspection Type	G. Unprogrammed Related	Reason No Inspection	
Scope of Inspection	B. Partial Inspection		
Classification			
Strategic Initiatives			
National Emphasis			
Local Emphasis			

Anticipatory Warrant Served?	No	Denial Date	Date ReEntered	Date ReDenied	ReEntered
Anticipatory Subpoena Served?	No				

Entry	12/10/02	First Closing Conference	12/10/02
Opening Conference	12/10/02	Second Closing Conference	
Walkaround	12/10/02	Exit	12/10/03
Days On Site	1	Case Closed	03/24/03
		No Citations Issued	X

Type	ID	Optional Information
N	10	IMMLANG-Y
N	01	304634207

CSHO Signature		Date	
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Thu Jan 9. 2003 4:33pm

Inspection Nr.	304634207
Opt. Case Number	

Establishment Name	The Home Depot, Store #126		
Legal Entity		Type of Business	Home Supply Store

Additional Citation Mailing Addresses	

Organized Employee Groups	

Authorized Employee Representatives	

Employer Representatives Contacted		
Name	Title	Function
Mr. David Sanford	Sr. Dir. of Safety Eastern	IO
Mr. Jason M. Kirk	Regional Safety Manager	IO
Mr. Steve Hester	District Safety Manager	IO
Mr. Warner S. Fox	Attorney at Law	IO
Ms. Karla Brown	Dist. Safety Manager	IO
Mr. Bryant Granger	Corp. Senior Council	IO

Other Persons Contacted	
Mr. Maurice Tanksley(770)338-9830 Order Puller - 2562 Amber Trail Duluth, GA 30096	

Entry	12/10/02		First Closing Conference		
Opening Conference	12/10/02		Second Closing Conference		
Walkaround	12/10/02		Exit		
			Case Closed		

Penalty Reduction Factors					
Size	0	Good Faith	0	History	0

Followup Inspection?		Reason	
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2455 Paces Ferry Road, N.W. • Atlanta, GA 30339-4024
(770) 433-8211

B. Rose Miller
Corporate Counsel - Litigation
Direct Dial (770) 384-5592
Direct Facsimile (770) 384-3678
Mail Code: C-8

REC-1
DEC 17 2002
COMM-F

December 13, 2002

[REDACTED]
Safety Specialist
U.S. Department of Labor-OSHA
Lava Perimeter Office Park
2183 Northlake Parkway, Bldg. 7, Ste 110
Atlanta, GA 30084

Dear [REDACTED]

Enclosed per your request are the following documents:

Maintenance Service Agreement between Auto Doors Inc. of Georgia
and Home Depot USA, Inc.
Certificate of Liability Insurance
Maintenance Service Agreement between Diversified Maintenance
Systems, Inc. and Home Depot USA, Inc.
Daily Opening Checklist dated 12/10/02
Daily Closing Checklist dated 12/10/02
Safety Flash Audit for Store #126 Dated 11-29-02
Safety Flash Audit for Store #126 Dated 12-6-02
Safety Operational Review for Store #126

Please feel free to call me if you have any questions for if I can be of further
assistance.

Very truly yours,

Home Depot U.S.A., Inc.

B. Rose Miller
B. Rose Miller, Esq.

BRM/bc

Via Express Overnight





**Standard Operating Procedures
Safety/Loss Prevention**

09-29

Revised: 10 JAN 2002

Safe Work Practices

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09-29 Safe Work Practices

Questions or comments about this publication?
Call or write: Training Department
Home Depot Store Support Center 700-771-8300

Questions or comments about EXPO information in this publication?
Call or write: EXPO Training Department—Attn.: Procedure Analysts
EXPO Store Support Center 877-796-3942

To order additional copies of this publication:
Call the Home Depot Store Support Center and request SOP 09-29.

Questions about or problems with the Store System?

CONFIDENTIAL AND PROPRIETARY

This is an unpublished work containing confidential
and proprietary information of The Home Depot.
All rights reserved.

Safe Work Practices

Policy

Home Depot will do the following:

- conduct its business in a manner that provides for the safety and health of its associates and customers
- comply with all applicable laws and regulations

Working safely is a condition of employment for all Home Depot associates.

Communicating safe work practices

Post a copy of SOP 09-29, Safe Work Practices, on the InFocus Bulletin Board. This SOP lists the personnel responsible for safety at each Company level. Specific titles and names of appropriate personnel should be posted on the Emergency Response Chart (HDLP-059).

Responsibilities—Store Support Associates

Introduction	Home Depot's associates are partners in formulating and executing safe work practices. The following are Store Support Center and Store Support Group associate responsibilities.
Vice President of Safety	<p>The Vice President of Safety maintains overall responsibility for Home Depot's Safety Program. Also, the Vice President of Safety responsibilities include</p> <ul style="list-style-type: none"> ■ reviewing field compliance with established programs ■ making recommendations for improvement directly with Operations management and the Directors of Safety
Corporate Safety Department	<p>The Corporate Safety Department responsibilities include</p> <ul style="list-style-type: none"> ■ recommending improvements directly with Operations Management, Division Safety Directors, and the Vice President of Safety ■ developing and communicating the Company's overall Safety and Occupational Health Policies and Procedures, with senior management approval ■ recognizing and evaluating conditions that may present hazards to associates and the general public as a result of Company operations ■ communicating statutory and regulatory safety and health compliance requirements ■ developing comprehensive audits, including associate activities and behavior ■ evaluating accident data ■ targeting and establishing prevention programs ■ conducting, monitoring, and evaluating prevention test programs
Risk Finance Manager	<p>The Risk Information Systems Manager responsibilities include</p> <ul style="list-style-type: none"> ■ ensuring the integrity of claims management and statistical safety data ■ evaluating data for trends and program compliance
Directors of Safety	<p>The Directors of Safety responsibilities include</p> <ul style="list-style-type: none"> ■ facilitating the execution of divisional accident prevention programs according to an overall plan ■ monitoring divisional claim occurrences for compliance and on-going attention ■ making recommendations for program improvement ■ developing and executing facility safety plans

Responsibilities—Store Support Associates

09-29 Safe Work Practices

**District Safety
Managers**

The District Safety Managers, in conjunction with the District Manager, responsibilities include

- monitoring and evaluating the performance of their store's accident prevention programs
- completing the safety review on a regular basis
- assisting in the investigation of serious accidents
- making recommendations for improving accident prevention directly to the Division Director of Safety
- ensuring that Store InFocus Teams are actively involved in identifying and correcting local unsafe conditions and practices

Responsibilities—Store Associates

Introduction	The following store associates maintain particular responsibilities for safe work practices in the workplace.								
Store/location operations management	<p>Store or location operations management is ultimately responsible and accountable for safety. Management responsibilities include</p> <ul style="list-style-type: none"> ■ ensuring associates are provided a safe and healthy workplace ■ executing procedures and practices to ensure compliance with applicable regulations, Company standards, and safe work practices 								
Assistant Managers and Department Supervisors	Assistant Managers and Department Supervisors must carry out the safety programs in their respective areas of responsibility.								
InFocus Team	The InFocus Team acts as the Store or Location Manager's resource in auditing and evaluating store procedures and practices, as well as assisting in the education of the store associates.								
Hourly associates	Hourly associates must follow all Company safety standards and report any unsafe conditions to store management.								
More information	<p>Related topics are in the following table.</p> <table border="1"> <tr> <th>For information about...</th><th>See...</th></tr> <tr> <td>InFocus Team</td><td>"InFocus Team" on page 15</td></tr> <tr> <td>Forklift training and certification</td><td>SOP 01-12, Certification and Training Programs</td></tr> <tr> <td>Safety disciplinary policy</td><td>SOP 01-24, Rules of Conduct</td></tr> </table>	For information about...	See...	InFocus Team	"InFocus Team" on page 15	Forklift training and certification	SOP 01-12, Certification and Training Programs	Safety disciplinary policy	SOP 01-24, Rules of Conduct
For information about...	See...								
InFocus Team	"InFocus Team" on page 15								
Forklift training and certification	SOP 01-12, Certification and Training Programs								
Safety disciplinary policy	SOP 01-24, Rules of Conduct								

Practices

09-29 Safe Work Practices

Practices**Substance abuse**

The Company has adopted a comprehensive substance abuse program which reduces the likelihood of associate and customer injuries caused by illicit drugs, controlled substances, or alcohol. This program covers both pre-employment, promotion, and post-accident incidents. For more information about the substance abuse program, see SOP 01-30, Substance Abuse.

First Aid/CPR training

All Home Depot locations encourage management and key associates to be trained in First Aid and CPR to help prepare for medical emergencies.

- Management is encouraged, but not required, to have at least one of these trained associates on duty during store/office hours.
- Volunteers are provided Company-paid training and, when necessary, may provide first aid or CPR as a good samaritan. Associates are NOT required to render aid.
- Before voluntarily giving first-aid, associates should consider the risks of exposure to blood and other body fluids that may contain blood borne pathogens or other potentially infectious materials (OPZM). An associate who gives first-aid will be provided access to PPE, including latex gloves and one-way mouth valves to protect against potential exposure.
- Store management must designate where first aid supplies are located and inform associates of the location.

The Operations Assistant Manager has additional responsibilities.

The...	Must...
Operations Assistant Manager	<ul style="list-style-type: none"> • select the training organization (American Heart Association, etc.) • negotiate training fees with the organization • arrange training sessions in the store • post a list of volunteer First Aid/CPR trained associates at the Phone Center for reference in times of emergencies. For stores with the Returns area layout, post the list at the Special Services Desk.
ADS	<ul style="list-style-type: none"> • coordinate training session dates and times with the District Safety Manager • ensure that management and key associates are scheduled for the training session

All First Aid/CPR training may be paid for by the store. If the Store Manager chooses to pay for the training, they must submit a Check Request (HDC-002), along with the invoice, to the Expense Department for payment.

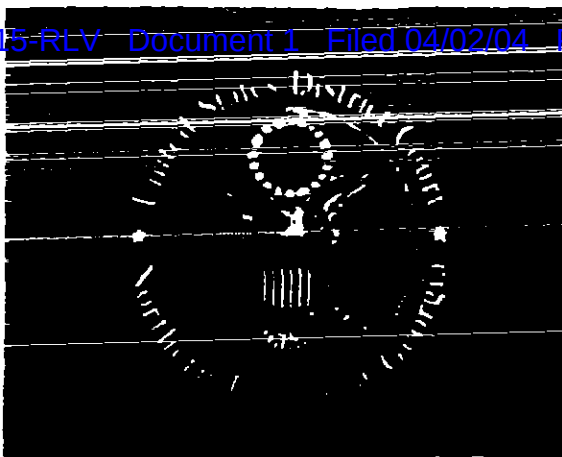


EXHIBIT / ATTACHMENT

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LAW OFFICES OF

HAWKINS & PARNELL, LLP

HAWKINS PARNELL & THACKSTON, LLP

4514 COLE AVENUE

SUITE 550

DALLAS, TEXAS 75205

TELEPHONE: 214 780-5100

4000 SUNTRUST PLAZA

303 PEACHTREE STREET, N.E.

ATLANTA, GEORGIA 30308-0240

WRITER'S DIRECT: 404 614-7486

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FAX: 404 614-7500

wfox@hplegal.com

HAWKINS & PARNELL, LLP

THE WOODRUMS BUILDING

602 VIRGINIA STREET EAST, SUITE 200

CHARLESTON, WEST VIRGINIA 25301

TELEPHONE: 304 345-8545

December 1, 2003

Solicitor of Labor
Suite N-2428
200 Constitution Avenue
N.W., Washington, DC 20210

F.O.I.A. APPEAL

Re: Rusin Kolev and Bogdanka Kolev, as Parents and Next Best
Friends of Gocho Kolev vs. Home Depot U.S.A., Inc.
State Court of Cobb County; Civil Action File No: 2003A-1711-5
Date of Loss: 12/10/02; OSHA File No: 304634207
Our File No: 3141-147076

Dear Sir or Madam:

This office represents the Defendant Home Depot, USA, Inc. in the above captioned case. This case involves an incident at the Home Depot store in Lawrenceville, GA where the Plaintiff, Mr. Kolev was killed when he became entrapped in the "speed door" located at the rear of the store.

We have obtained a copy of the OSHA file with regard to this matter although we were denied all of the witness statements. Therefore, pursuant to 29 CFR 70.50, I am appealing this matter.

I was at the scene of this accident to conduct an investigation on behalf of my client Home Depot. I was told by Mr. Caliestro Spencer, the OSHA Safety Specialist on scene, that Mr. Kolev's co-worker, Mr. Stanev was too emotionally distraught to be interviewed at that time. It is my recollection that Mr. Spencer spoke directly with Mr. Stanev. It is also my recollection that Mr. Stanev admitted to Mr. Spencer that he had keyed in the door code utilizing the outside key pad at the store and that is what caused the door to roll up entrapping Mr. Kolev.

Not long after this lawsuit was filed, Mr. Stanev, who is currently incarcerated on immigration charges in Alabama, was deposed. During that deposition, Mr. Stanev testified that the door was not working properly and that someone from Home Depot, prior to Mr. Kolev becoming entrapped in the door, had worked on one of the keypads, thus inferring that the keypads were not working properly. Mr. Stanev also denied keying in the store code on the outside keypad.

LAW OFFICE OF

HAWKINS & PARNELL, LLP

F.I.O.A. Appeal
December 1, 2003
Page 2

The fact that I was not able to get a statement from Mr. Stanev that night is seriously impeding Home Depot's ability to defend itself and these allegations. I believe that what Mr. Stanev testified to at his deposition is completely different than what he told Mr. Spencer at the scene.

I have been in contact with Mr. Spencer who informed me that he will not speak to anyone from my office with regard to this matter unless he gets approval from OSHA. Therefore, since OSHA has closed its investigation into this matter, I request that all witness statements be provided and that I get granted authority to speak with Mr. Spencer.

If you need further information regarding this matter, please advise.

Very truly yours,

HAWKINS & PARNELL, LLP



Warner S. Fox

WSF:tah

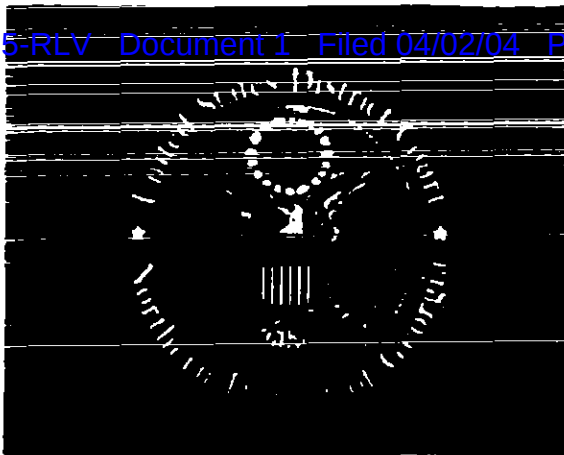


EXHIBIT / ATTACHMENT

D

(To be scanned in place of tab)

U.S. Department of Labor

Office of the Solicitor
Washington, D.C. 20210



MAR -4 2004

Mr. Warner S. Fox
Hawkins & Parnell, LLP
4000 Suntrust Plaza
303 Peachtree Street, N.E.
Atlanta, Georgia 30308-3243

Re: FOIA Appeal No. 040072

Dear Mr. Fox:

This is in response to your appeal under the Freedom of Information Act from the decision of Gei-Thae Breezley, Area Director, Occupational Safety and Health Administration (OSHA) regarding disclosure of information pertaining to the fatal accident involving Mr. Gocho Kolev while he was employed at the Home Depot store located in Lawrenceville, Georgia (OSHA File No. 304634207).

Initially, I would like to point out that is the Labor Department's policy to disclose information to the maximum extent practicable. 29 C.F.R. § 70.3. However, under the FOIA, a requester's rights to access "are neither increased nor decreased" by virtue of having a greater interest in the records than that of an average member of the general public. NLRB v. Sears, Roebuck & Co. 421 U.S. 132, 143 n.10 (1975).

Your appeal letter states that you are seeking the disclosure of witness statements relating to the accident. Based upon a review of the one witness statement (consisting of four pages) contained in the relevant file, I have decided to affirm OSHA's decision to withhold it entirely pursuant to exemptions 7(C) and 7(D) of the FOIA due to privacy and confidentiality considerations. The statement contains no reasonably segregable information which may be released, because it would become nonsensical after deletions of exempt data. See, e.g., Local 3, Int'l. Bhd. of Elec. Workers v. NLRB, 845 F.2d 1177, 1180 (2d Cir. 1988).

However, I am enclosing one page of the Narrative Report which sets forth an account of the accident and contains some information provided by witnesses. The enclosure contains deletions of names of individuals and information that identifies them or tends to identify them pursuant to exemptions 7(C) and 7(D).

Exemption 7(C) permits an agency to withhold information that is contained in investigatory files compiled for law enforcement purposes to the extent that production "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Such information includes home addresses, telephone numbers, ages, salaries, and details of physical condition, job performance, and training. Exemption 7(C) was designed to protect the privacy of any person who is mentioned in files compiled for law enforcement purposes. In determining whether a privacy interest exists in particular information, I must look at more than whether that information involves intimate details of an individual's life. I must also consider whether the individual could reasonably assert an option to withhold the information from the public at large because of its possible adverse effects upon that individual (see L & C Marine Transport, Ltd. v. U.S., 740 F.2d 919, 922 (11th Cir. 1984)), and whether release of the information could lead to the harassment or annoyance of the subject thereof through unsolicited inquiries. I have determined that a privacy interest exists in the information being withheld here pursuant to exemption 7(C).

When a privacy interest exists, disclosure is made only if the public's right to be informed under the FOIA on balance outweighs the privacy interest in the specific information in question. See Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989). The test for "public interest" is whether disclosure of the information itself to the general public serves a public interest. Whether disclosure of personal information is warranted "must turn on the nature of the requested document and its relationship to 'the basic purpose of the [FOIA] 'to open agency action to the light of public scrutiny'" [citation omitted] rather than on the purpose for which the document is being requested." *Id.* at 772. You have not asserted any such public interest nor do I find any. After a careful review of the information in question in this case in light of these requirements, I have determined that disclosure of the specific information being withheld from you pursuant to exemption 7(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Exemption 7(D) of the FOIA protects disclosure of information which could reasonably be expected to identify individuals who provided information to the government in confidence, or under circumstances implying confidentiality. The applicability of exemption 7(D) (as well as exemption 7(C)), does not end upon termination of an active investigation. See Pope v. U.S., 599 F.2d 1383 (5th Cir. 1979) and Diamond v. FBI, 707 F.2d 75 (2nd Cir. 1983). OSHA investigations are conducted under circumstances from which confidentiality may be reasonably inferred, since its investigatory function is dependent upon information that is supplied by third parties who would be hesitant to give information if their identities were subject to public disclosure. See T.V. Tower v. Marshall, 444 F. Supp. 1233, 1236 (D.D.C. 1978). A major purpose of exemption 7(D) is to encourage private citizens to furnish sensitive information to government agencies. If confidentiality were not available, few individuals would come forth to embroil themselves in a controversy by cooperating with OSHA during its investigations. Therefore, in furtherance of effective law enforcement by OSHA, I have determined that the interview statement, as well as other information that identifies persons who provided investigative data to OSHA, should also be withheld pursuant to exemption 7(D).

Coverage Information/Additional Comments

SAFETY NARRATIVE

Inspection Number	304634207
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COVERAGE INFORMATION

The Home Depot, Store #126 - is a home improvement retail stores which serves the public, and there are various stores located throughout the United States.

NATURE AND SCOPE

1. This inspection was assigned by ^{7(c)} and was initiated by a call relating to a fatality.
2. Background Information - There has been previous history with Home Depot. However, there was no history found with this particular store #126.
 - a. The accident occurred at the site area 875 Lawrenceville-Suwannee Road, Lawrenceville, Ga. on December 10, 2002 at approximately 3:30 p.m.
 - b. The employee was Mr. Gocha Kolev (Bulgarian), age 33, had been the sole owner/employee of Mercury, Inc., which is a janitorial service. Mr. Kolev had been a subcontractor for a company called Diversified Maintenance which is a subcontractor to Home Depot. Mr. Kolev was performing his regular job which involved janitorial services such as dusting, moping, cleaning other related housekeeping issues. The equipment involved were a cleaning rag and the HDSM3200 Speed-Master Door which travels 32 inches per second up and down.
 - c. ^{EX 7(c) + 7(d)} pictures were taken by the police officer before the scene had been disturbed.
3. Scope - The inspection was a partial inspection limited to the fatality and the employer programs.
4. Account of the Accident ^{7(c) + 7(d)}
 - a. On December 10, 2002, ^{EX 7(c) + 7(d)} employees were in the process of cleaning oil and dirt accumulation off of the large speed roll-up door located in the lumber department which travels 32 inches per second up and down. Mr. Kolev, the owner of Mercury, Inc. instructed ^{7(c)} to clean the outside of the speed door while Mr. Kolev cleans the inside of the door. The speed door was in a complete down position while ^{7(c)} worked from a platform ladder approx. 9ft. in height cleaning the outside of the door and Mr. Kolev (decedent) worked from a platform ladder approx. 9ft. in height cleaning (removal of oil) the top of the inside door with a cleaning towel in close proximity of the rollers (in-running nip points). ^{7(c)} finished cleaning the outside speed door ^{EX 7(c) + 7(d)} and proceeded to go to the control panel/keypad not knowing the whereabouts of Mr. Kolev. The keypad/control panel is located on the outside wall near the speed door, since earlier Mr. Kolev told ^{7(c)} to help ^{7(c)} clean the inside of the door. Therefore, according to ^{7(c) + 7(d)} went in the direction toward the keypad/control panel which is the only way to open and close the door from the outside if it's in automatic mode which it was. ^{7(c)} did not see ^{7(c)} actually punch any button, however, ^{7(c)} see him go towards the direction of the keypad and immediately the speed door was activated to go up while Mr. Kolev was in the midst of cleaning the door with his rag getting caught in the rollers (in-running nip points) which is located at the top of the door pulling Mr. Kolev up into the speed door crushing him to death. According to ^{7(c)} Mr. Kolev did not have a chance of letting go of the rag since the door was very rapid in its motion. One of the Home Depot workers called 911 and the Gwinnett County Police, Gwinnett County Fire Department and the Gwinnett County Medical Examiner were dispatched to the accident site. An autopsy was performed by the Chief Medical Examiner and the cause of death was Compression Asphyxia.

Enclosure

EMERGENCY STOP

Press the Emergency Stop button to stop door movement in either direction. When the Emergency Stop button is pressed, power is shut off to the PLC.

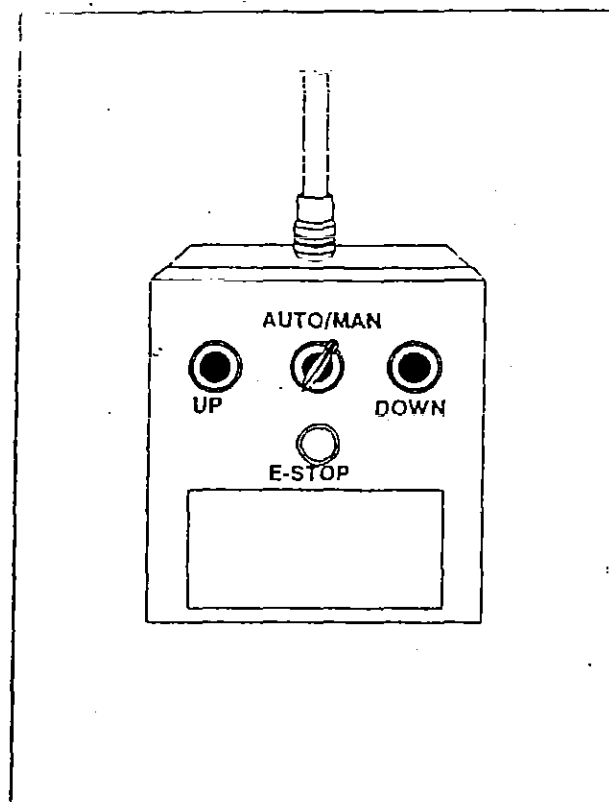
When the emergency condition is resolved, pull the emergency stop button out and reset the door as described in the following section.

GENERAL RESET PROCEDURE

The door must be reset following any of the conditions listed below:

- Emergency Stop button pressed
 - Safety Edge contacted
 - Power lost to door
1. Ensure that conditions are returned to normal, i.e. Emergency Stop button is pulled out, power is restored.
 2. Turn the "AUTO/MAN" switch on command box to "MAN" position.
 3. Press the "DOWN" pushbutton.
 4. Return "AUTO/MAN" switch on command box to "AUTO" position to enable the remote activation system.

The "DOWN" button in the manual mode acts to reset the door whether the position of the door is down or up. If the door is in the up position, it will travel down when reset. If the door is in the down position it, will remain down when reset.



Once the door has been reset, the #7 LED (OUTPUT) light inside of the control box will be lit.

IMPORTANT: If the door travels slightly downward, then automatically reverses and opens fully, the logic sequence must be cleared. Open the command box door and press "STOP" then "START" on the MP1 (or GV1) switch located at the lower left. Repeat general reset procedure.

BOTTOM SAFETY REVERSING EDGE

If positive contact is made to the safety reversing edge while the door is closing, the door will return to the fully open position.

Once the safety reversing edge has returned to the up position, the door will not operate until the door is reset. Follow the general Reset Procedure described in section 3.5.

SAFETY PHOTOCELL (Optional)

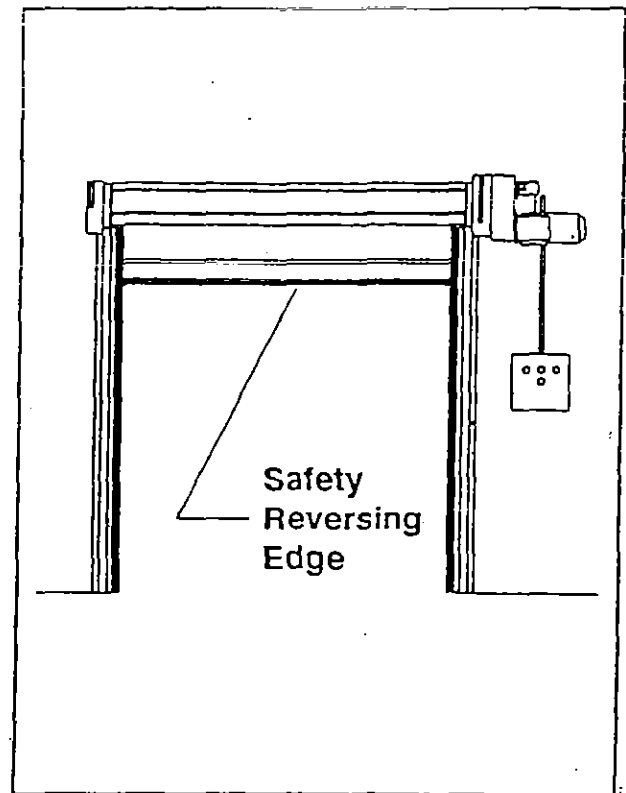
The operation of the door in response to the safety photocell is dependent on whether the PLC is set for timed delay close. See section 2.15, Setting the PLC for Timed Delay Close, in the installation section for more information.

- **Timed Delay Close Mode:**

When the safety photocell beam is broken while closing, the door reverses itself to the full open position. When the photocell beam is restored, the door will automatically close after a 5 second time delay.

- **Non Timed Delay Close Mode:**

The door will not close until it receives an impulse from the remote activation system.



SYMPTOM	CAUSE	SOLUTION
Door won't go up. (cont.)	3. Make sure door is reset properly and set in "auto".	3. Set Reset procedure in manual.
	4. Door is on the down safety limit	4. See page 30 of manual.
Door closes 1-2 feet and re-opens while in "MANUAL" mode.	1. Door must be reset.	1. Reset the door (See Owner's Manual or the instructions printed on the outside of control box).

SYMPTOM	CAUSE	SOLUTION
Panels are dirty.	1. Dirt, grease, etc.	1. Clean with a mild soap or detergent.
Door won't go down.	1. Power failure. 2. Safety Edge has been contacted. 3. Safety Edge is damaged. 4. Optional safety photo eye is misaligned. 5. Optional safety photo eye is obstructed. 6. Optional safety photo eye is not opening and closing properly. 7. Door is on the up safety limit. 8. Door activation switch is closed.	1. Restore power and reset. 2. Reset the door. (See Owner's Manual or the instructions printed on outside of control box.). 3. Make sure edge switch is closing and opening properly. If not, replace. 4. Make sure photo cell beam is properly lined up. 5. Remove obstruction. 6. Replace immediately. 7. See page 30 of manual. 8. Check activation systems for opening and closing properly. Make sure radars are not detecting motion and induction loops are not obstructed.
Door won't go up.	1. Power failure. 2. Door activation switch won't close.	1. Restore power and resets. 2. Make sure all activation switches (i.e. radar induction loop, pull cord, push buttons) are closing and opening properly. If not, replace.

TROUBLESHOOTING TABLE

SYMPTOM	CAUSE	SOLUTION
Door by-passes either the up or down limit switch.	<ol style="list-style-type: none"> 1. Upper or lower limit switch failure. 2. Heating of the motor contactor. 3. Motor contactor failure due to excessive wear. 	<ol style="list-style-type: none"> 1. Check that limit switches are opening and closing properly. If not, replace. 2. Make sure activation system is not causing the door to reverse too frequently when door is not being used (i.e. cross traffic). 3. Replace immediately.
Door panel continually drifts past the primary up or down limit switch.	<ol style="list-style-type: none"> 1. Panel does not stop at the limit switch setting; fast brake disabled. 	<ol style="list-style-type: none"> 1. Adjust motor brake; check fast brake wiring (Consult Factory).
Door is outside of the tracks.	<ol style="list-style-type: none"> 1. Door has jammed in tracks; door has been hit. 	<ol style="list-style-type: none"> 1. Check to see that the tracks are free of obstructions. 2. Check to see that hinge sections are not binding due to a bent hinge. 3. Check to see if the top limit switch is set too high. (Bottom profile should be below the bend in the top track section). 4. Check to see that the panel is not "walking" to one side of the roll during operation. Raise the door manually to a position above the top of the side tracks and insert panel into the tracks. reset door.

**FLEXIDOOR SPEED-MASTER HDSM3200
HI-SPEED ROLL-UP DOOR
INSTALLATION INSTRUCTIONS
AND OWNERS MANUAL**

Upon receipt of the FlexDoor SPEED-MASTER III Hi-Speed Roll-up Door, check the number of packages against those shown on the Bill of Lading. Check the unit for shipping damage or missing parts and, if necessary, prepare claims against the freight carrier for damage noted.

*NOTE: Any damage to the crate or packaging material must be noted on the shipping receiver. Exterior damage may indicate concealed damage.

II. DOOR OPENING PREPARATION

To achieve the best possible installation, doorway opening should be square and plumb. It is also important that the floor between the two door jambs be level. If not, it must be compensated for as outlined later.

Check the size of the doorway against the size of the SPEED-MASTER III Door supplied to ensure proper fit. (Drawing No. 2000-91-001)

The space around the doorway MUST be free of obstructions such as pipes; electrical conduit; etc.

Finally, the building wall should be strong enough to support the full weight of the SPEED-MASTER III door. If not, it is necessary to structurally reinforce the area around the doorway at point(s) of attachment.

III. PRELIMINARY INSTALLATION OVERVIEW

The SPEED-MASTER III consists of the following components:

- (1) Left-hand side column w/bearing support bracket;
- (1) Right-hand side column w/power unit and roll support bracket;
- (1) Power unit (gear box & motor);
- (1) Limit switch;
- (1) Control box; and
- (1) Weather hood construction

In order to achieve the best possible installation, it is recommended that each of the components be installed in the order listed above.

IV. INSTALLATION

1. Check to see that the finished door opening is square and plumb. Doorway and area around the door opening MUST be free of any obstructions. NO OBSTRUCTIONS should be within:

- 43" of the left-hand side door jamb;
- 13" of the right-hand side door jamb; and,
- 25" of the overhead door lintel

Any obstructions within these areas MUST be removed before you begin the installation.

2. Install the left-hand side column and bearing support bracket. Column should be square and plumb in two (2) directions. Clamp column into position.
3. Measure from the in board side of the now secured left hand column, the distance equal to the door width for which your SPEED-MASTER 3000 was ordered, and mark a line on the floor at the opposite jamb.

5. There is a bearing pre-installed at each end of the roll tube. The bearing on the drive side is secured into position *UP AGAINST THE SHOULDER OF THE ROLL TUBE*. This bearing location will position your tube on the horizontal plane. The bearing on the neutral end is installed loosely to be located after tube is raised into position.
6. Before lifting the roller into position, securely tie the panel in at least four (4) positions around the roll to prevent it from unraveling. Lift the roller into position and place in slot cut-outs.
7. Lift the roll into place, and position the bearing on the drive side of the tube on the inside of the bearing mounting bracket. Move the bearing on the neutral end into place on the outside of the bearing mounting bracket, and bolt both bearings into place.

 *NOTE: It is advised to install (2) bolts into the fixed bearing on the drive side, before bolting the bearing on the neutral side. This will insure proper tube location.
8. Install the power unit (motor & gearbox assembly) and secure to the motor mounting bracket.
9. Using the coupler provided, connect the power unit to the roller with and secure in place with the nuts & bolts supplied.
12. Remove the tie-backs on the roller and slowly feed the bottom safety edge profile down into the side columns.
13. Mount the control box on the right side of the doorway approximately 48" off ground.
14. Connect power to the control box.
15. Set the control box selector switch to "MAN" mode and remove the wire on position #3 of the programmable controller located inside of the control box. This allows for "deadman operation".
16. Release the motor brake and lower the door panel approximately half-way.

17. Restore power to control box and switch selector switch to the "UP" position. Door is ready for use. To the instructions printed on the outside of the control box.

18. Push the "UP" button. If the door goes up, proceed to Step #20. If not, change the phase connections.
19. To adjust the limit switches, refer to Drawing No. 3040-89-096.
20. Once limit switches have been adjusted, switch the selector switch to the "AUTO" mode. Door is ready for use.
21. If the door is equipped with an exterior weather hood, please contact the factory TOLL FREE: 1-800-365-3667.

SET THE LIMIT SWITCHES

Using the gland connector to reference the bottom left of the limit switch housing, the limit switches are identified as follows:

- #1, Safety Limit Down (at bottom)
- #2, Down (at left)
- #3, Up (at top)
- #4, Safety Limit Up (at right)

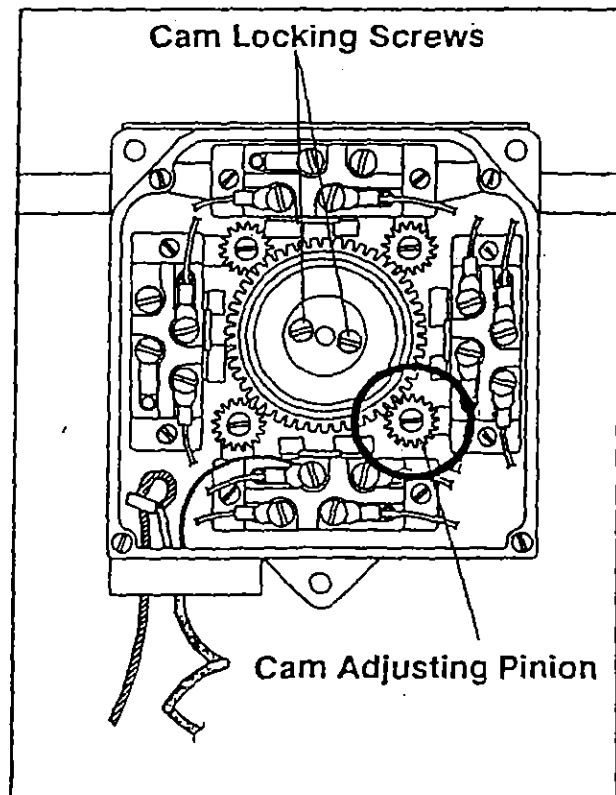
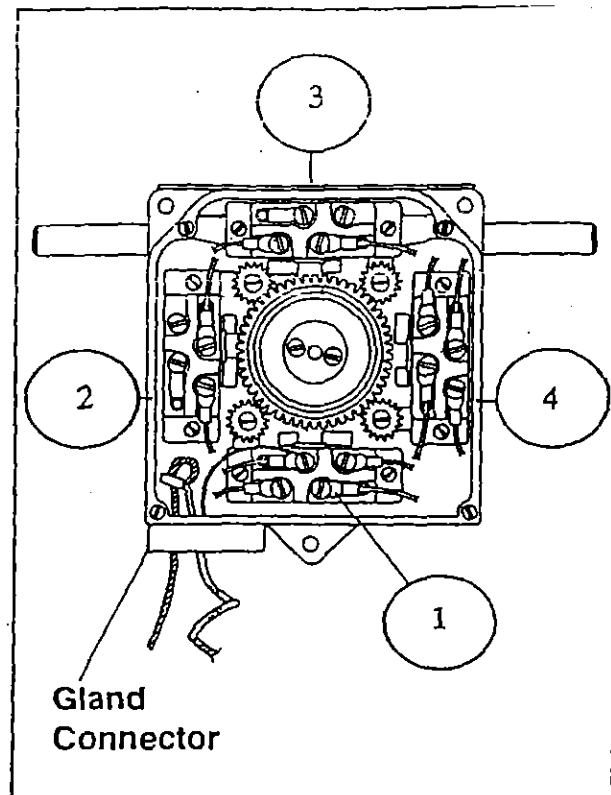
The procedure for adjusting the limit switches involves the following main steps:

- "rough" setting of the Up Safety Limit and Down Safety Limit switches (#3 and #4), and
- trial and error setting of the up and down limit switches (#1 and #2)

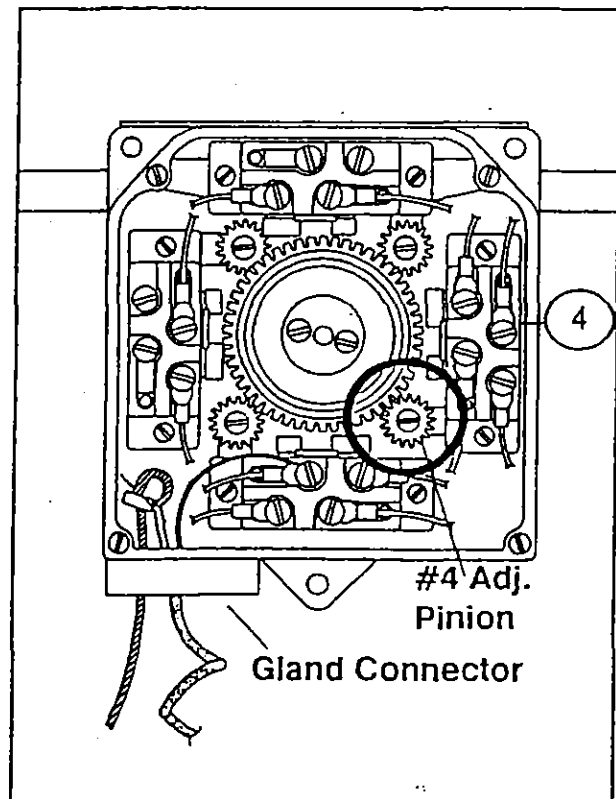
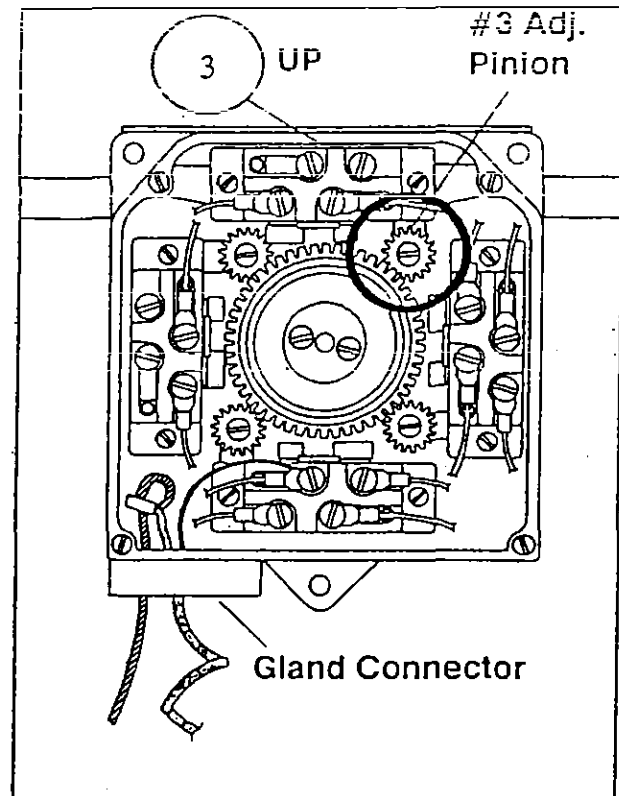
Note that each of the gears on the center stack has a cam adjusting pinion that when pushed down will engage the gear teeth and allow it to be turned as the adjusting pinion is turned. Note also that each of the gears on the center stack has a high spot, or cam, that will engage, or "make" one of the four limit switches as the gear turns. The position of the cam on the gear is shown by a white mark on the gears.

The idea of setting the limit switches is to rotate and set each cam at the precise spot where it will make a limit switch and stop the door movement.

First, loosen the two cam locking screws to free all the limit switch settings.

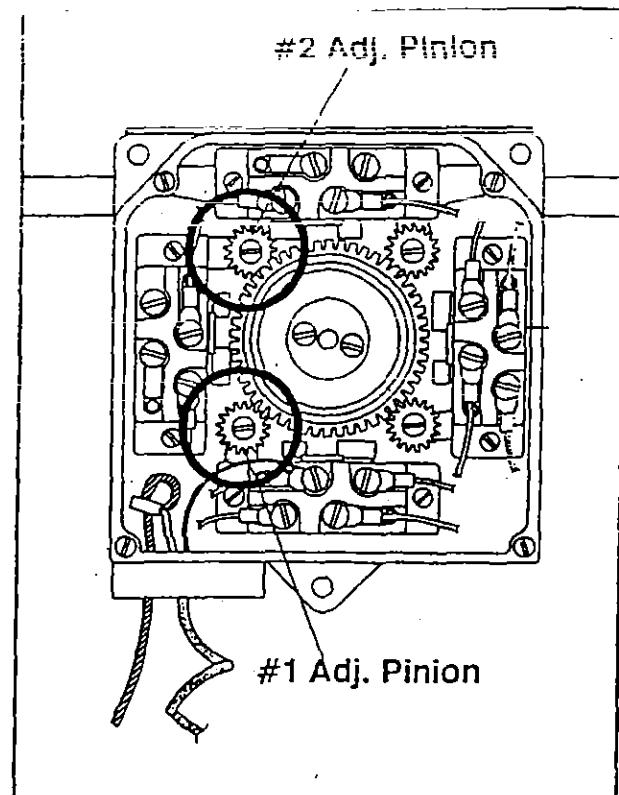


1. Work on the UP Limit first.
2. Run the door up to the top of the lintel by holding in the UP pushbutton on the command box. Release the button to stop the door movement with the bottom edge even with door lintel.
3. Snug down the cam locking screws so the cams will hold their position, but will still be able to be moved independently of the other gears on the stack.
4. Using a flat blade screwdriver, push down and turn the cam adjustment pinion that turns the gear associated with the #3, UP limit switch. Turn the gear in a COUNTERCLOCKWISE direction until the UP limit is "made." You will hear a click when the switch is made. Stop.
5. Now, push down and turn the cam adjustment pinion that turns the gear associated with the #4, Safety Limit UP switch. Turn this gear also in a COUNTERCLOCKWISE direction, but stop just short of "making" the switch. Stop when you see the cam begin to depress the switch arm. The idea of setting this safety limit is to set the cam just before the switch is made.
6. If the cam springs back when you release it, tighten the cam locking screws 1/8 of a turn to snug up the gear stack. Do not over-tighten at this point to avoid stripping the plastic gears.



7. Using a flat blade screwdriver, push down and turn the cam adjustment pinions that turn the gears associated with the #1 and #2 limit switches until the white marks are 180 degrees opposite the associated limit switches. The idea of this step is to take the down limit switches out of the circuit in order to test the UP limit switch operation.
8. Tighten the cam locking screws.
9. Press and hold the DOWN push-button on the command box to run the door close to the floor, but not touching.
10. Press and hold the UP push-button on the command box to run the door up and test the switch setting. The door will stop automatically when the #3, UP limit switch is made.
11. If the door goes up too far (stops above the lintel), loosen the cam locking screws and turn the pinion very slightly COUNTERCLOCKWISE to "make" the switch sooner. If the door does not stop high enough, bring the cam very slightly CLOCKWISE so the switch is made later in the door travel.

The gear ratio in the limit switch is 20:1, meaning the fine positioning adjustments must be very slight. Turn the pinions just a fractional amount then tighten down the cam locking screws, then run the door down and back up to check your work. This is a trial and error procedure, so it may take a few adjustments to get it right.



12. Once the UP limit is set to stop the door at the lintel, adjustment of the DOWN limit switches can be done. The safety limit UP switch does not require fine positioning.

IMPORTANT: The Speed Master Door is equipped with a protective shunt circuit that shuts off power to the door if either the #1, Safety Limit Down, or, #4, Safety Limit Up switches are made. If this occurs during installation, refer to section 3.9 of this manual for instructions on reset procedure.


Hi-Performance Doors & Loading Dock Equipment

Tuesday, December 17, 1

► Hi-Performance Doors

► Loading Dock Equipn

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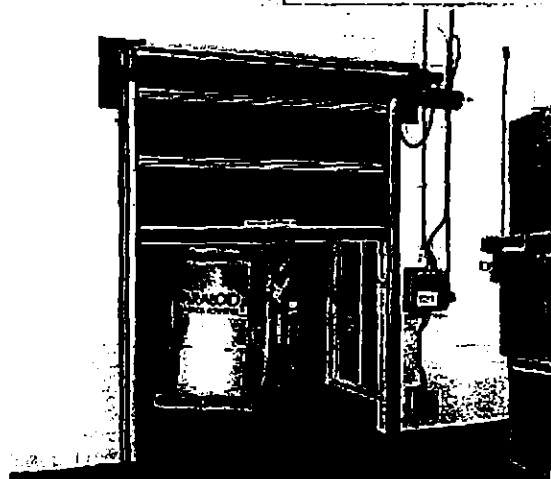
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SPEED-MASTER™ Hi-Performance Roll-up Doors



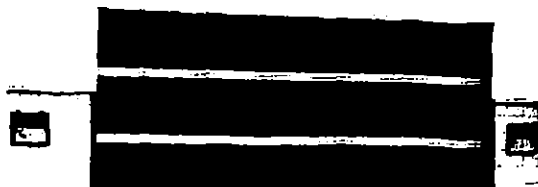
SPEED-MASTER Series 1000

Door sizes up 12'0" w x 10'0" h
(interior doorways only)
120 sq. ft. max.



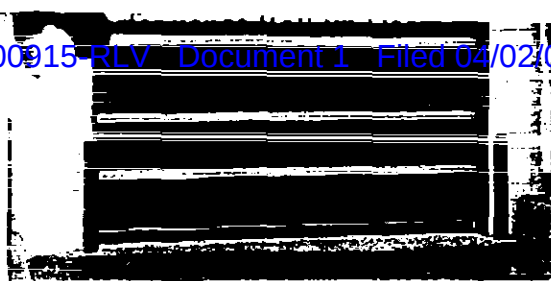
SPEED-MASTER Series 1500

Door sizes up 13'0" w x 14'0" h
(interior and exterior doorways)
185 sq. ft. max.



Standard Design Features

- Centerless-ground and stress tested steel roll tube
- Low-profile cabinet-style structural steel guide track with full height nylon brush seals
- Patented interlocking full anodized aluminum panel profiles
- 1/8" thick nylon-reinforced coated panel material in a variety of colors: blue; orange; black; or white (40oz./sq. yd. blue or black Flexilon S panel standard series 1000 only) For additional materials or colors, CONTACT FACTORY
- Full-width transparent PV vision area(s)
- 230v or 460v/3 phase/60 Hz direct-drive electric motor with positive brake release for override operation Stand. 32"/sec. opening and closing speed. (Optional variable inverter motor also available)
- NEMA 4 control box with non-PLC and, inverter available
- Automatic panel reversing electric contact edge with cord
- Bottom aluminum profile impact breakaway feature
- Horizontal top draft seal and bottom profile floor loop
- Door panel reversing photocell
- Wide variety of activation systems and controls available
- Optional MPS-2000 3-year Protection System available



SPEED-MASTER Series 2500

Door sizes up 16'0" w x 20'0" h
(Interior and exterior doorways)
300 sq. ft. max.



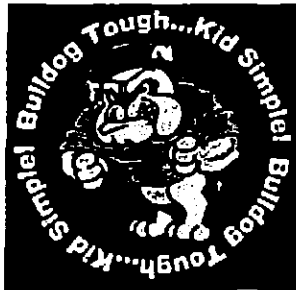
SPEED-MASTER Series 3500 *

Door sizes up 26'0" w x 24'0" h
(Interior and exterior doorways)
480 sq. ft. max.

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Leetsdale, PA 15056-1376

Toll Free 1.800.365.3667 In PA call 412.749.0400 Outside USA Fax 412.749.0410

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Leetsdale, PA 15056-1376
<http://www.flexioninc.com>



MEMO

To: [REDACTED] US DOL - OSHA
From: Mark Permigiani
Date: December 18, 2002
Re: Speed-Master Door

Rhonda,

The HDSM3200 travels 32" / sec up and down.

If you need anything else, feel free to call.

Manufacturers of Hi-Performance Doors and Loading Dock Equipment

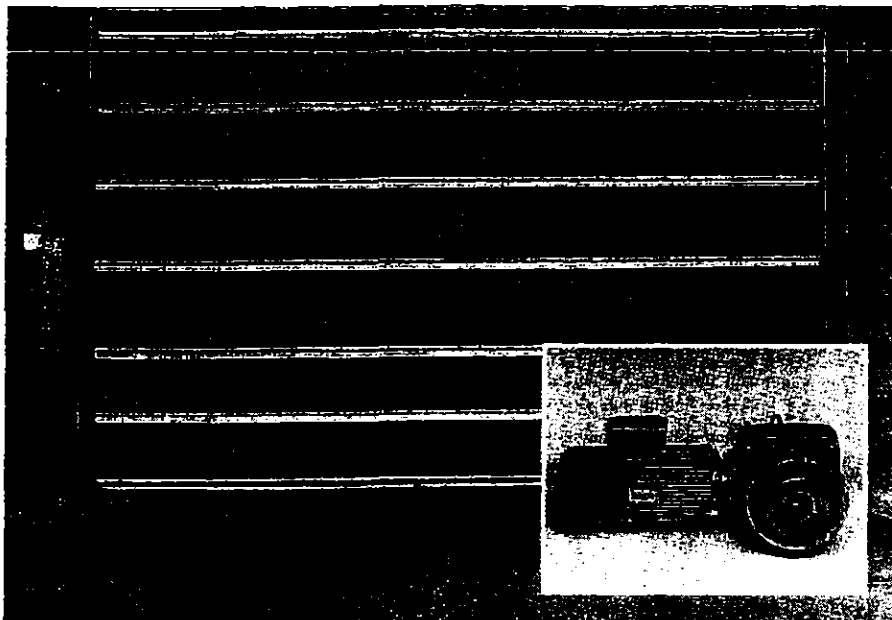
Toll Free: (800) 365-3667

Outside USA: (412) 749-0400

Fax: (412) 749-0410



SPEED-MASTER™ Series 3500 / 3200 Performance Roll-up Door



Recommended for large exterior door openings, the SPEED-MASTER 3500 is designed to be used as replacement for, in conjunction with, existing overhead garage doors up to 400 sq. ft. in area.

While similar in basic design to the SPEED-MASTER 2500, the SPEED-MASTER 3500 features a greater motor capacity and hinges deeper into the side tracks to withstand the severe pressure conditions often exerted upon doors of this size.

The SPEED-MASTER 3500 is supplied with a 5 HP direct-drive motor. A flexible coupler is placed between the gearbox and shaft to minimize the effects of any deflection of the roll tube over its width.

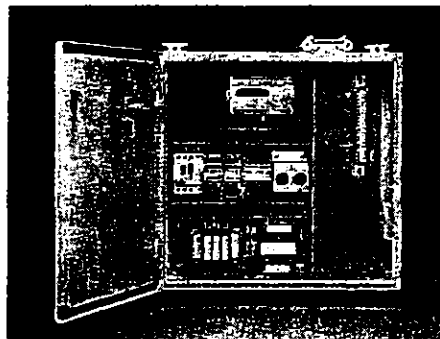
Recommended for door sizes between 10'0" w to 24'0" h (480 sq. ft. maximum).

Solid State Command Box with Pre-Programmed Logic Control

The SPEED-MASTER 3500 features a solid-state NEMA 4 3-function command box with an integral pre-programmed PLC circuit to control the door's logic and timing functions. This ensures precise information processing and provides greater reliability when compared to most electro-mechanical relays.

Expandability allows you to add any choice or combination of activation

systems and to control the type of operation you want.



It also features an LED diagnostic panel for ease of trouble-shooting and service by in-house maintenance personnel.

Bulldog XT Panel Material

The 1/8" thick nylon reinforced PVC panel material is puncture resistant, tear resistant, maintains its flexibility to -20°F, and is available in a choice of four attractive colors.

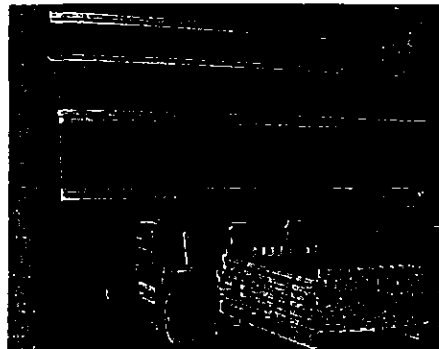


*NOTE: For additional colors, or transparent panel material, CONSULT FACTORY.

Standard Features

- 1/8" thick nylon-reinforced PVC coated panel w/full-width transparent PVC vision area. For additional materials or colors, CONSULT FACTORY.
- 230v or 460v/3 phase/60 Hz 5 HP direct-drive electric motor with positive brake release for manual override operation.
- NEMA 4 programmable control box.
- Roll tube/gearbox torque resistor coupler.
- Pre-wired power cord w/quick-disconnect coupler.
- Automatic reversing electric contact edge w/coil cord.
- Bottom aluminum profile w/impact breakaway tabs.
- Patented interlocking anodized aluminum alloy hinge profile sections.
- Hinged structural steel side tracks w/full-height nylon brush seals.
- Horizontal top draft seal.
- Door panel reversing photocell.

Automatic Breakaway Feature



In the event of accidental impact, the SPEED-MASTER 3500 has also been designed to "pop" out of its side tracks to help prevent damage to the door panel.

The bottom profile is narrower than the overall door opening. This allows the impact tabs located on the bottom profile to snap on impact allowing the panel to push free of the side tracks.

By loosening the special locking pin on the side columns, the "cabinet style" doors swing open, allowing the panel to be placed back into its normal position. Once accomplished, the side columns are closed and the SPEED-MASTER 3500 is once again ready for use.

Occupational Safety and Health Administration
Atlanta Office
1111 Northchase Parkway
Building 7, Suite 110
Tucker, GA 30084
Phone: 770-493-6544
Fax: 770-493-7725



Reply to the Attention of: Gei-Thae Breezley

January 22, 2003

Jewett & Clark
Attention: C. Lawrence Jewett
One Georgia Center
600 West Peachtree Street STE. 2424
Atlanta, GA 30308

Re: Freedom of Information Act Request #2003-20 for:
Home Depot

Dear Mr Jewett:

This is in response to your letter which was received by this office on 01/15/2003, requesting investigative information regarding the above referenced file(s).

The Occupational Safety and Health investigation is not complete at this time.

The releasable material in the file can be provided once the case is closed and all possible time elements provided under the Freedom of Information Act have elapsed and litigation is not pending. However, it may be a few weeks before the status of the case is known, therefore we request that you submit a new request to our office in approximately 90 days.

If you have any questions, please contact my office at the above number.

Sincerely,

Gei-Thae Breezley,
Area Director

MAINTENANCE AND TROUBLESHOOTING

MAINTENANCE CHECKLIST

Weekly Checklist

Check on a weekly basis. Place door out of service until any problems found have been repaired or parts replaced.

1. Check to see that the selector switch on the control box is set on "AUTO" so that the activations are operational.
2. Check to see that your activations are working properly.
3. Check bottom safety edge profile by making contact with it as the door is going down. Door should automatically reverse itself to the full open position. Reset the door according to the instructions printed on the command box label or in the Owner's Manual.
4. Check to see that the "OPTIONAL" safety photocell is properly aligned and operational.
5. Check to see that hinge profile sections hang freely and are free to move up and down in the tracks without obstruction.
6. If your door has the "OPTIONAL" P.V.C. breakaway tabs at the end of each hinge profile section, check to see that a tab is located in each side and are in good condition.
7. Check to see that you have P.V.C. breakaway tabs on both ends of the bottom safety edge aluminum profile.
8. Check to see that the door is stopping at the proper position during the upward cycle (flush with underside of door lintel) and during the downward cycle (floor level). If not, adjust the limit switch(es); See Section 2.12, Setting the Limit Switches, in the Installation Section.

Quarterly Checklist

1. Check for unusual movement in the roller/motor drive system or for loose bolts. Tighten as required.
2. Check to see that the roller tube shaft is completely inside of the motor gearbox. If not, push the roller securely into the motor gearbox and tighten the set screw on the bearing lock collar located on the opposite side of the roller tube.
3. Check to see that all electrical connections are secure.
4. Check that the top draft seal is properly positioned.
5. Check brush seals on side tracks for wear.
6. Check to see that panel material is securely attached to each hinge profile section.

7. Check that each hinge profile section end stop to ensure that it properly positioned. Make sure that all hinge sections are moving freely and are not binding during operation. If so, replace immediately.
8. Clean panel material with a mild soap or detergent.
9. If vision area can not be cleaned, replace to ensure full visibility.
10. Check to see that panel and/or hinge sections are not rubbing excessively against the P.V.C. side guide tracks material.
11. Check that the bottom draft seal is in place.
12. Check to see that the motor contactors are not sticking, chattering, or arcing. If so, replace immediately.
13. Check to see that the power cord connection to the control box is secure.

Using Motor to Raise the Panels with Control Box in "DEADMAN" Mode

If panels are still snugly rolled on roller tube and there are no obstructions to movement of the panels, the motor may be used to raise the door with the control box set to "DEADMAN" operation.

CAUTION: Make sure the door panels are not snagged or obstructed in any way or damage to the panels or motor may result.

1. Open the command box and press the START/STOP switch on the Model MP (or GV1) power switch to "STOP."
2. Disconnect the wire marked "4-3" from terminal 3 on the PLC.
3. Press the power switch to "START" and close command box door.
4. Put "AUTO/MAN" switch in the "MAN" position.
5. Press and hold the "UP" pushbutton to raise the door panels.
6. With bottom profile at top of guide tracks, put door panels back into guide tracks.
7. Press and hold the "DOWN" pushbutton to move the door panels down to the middle of the door travel.
8. Use the "UP" and "DOWN" pushbuttons to check the upper and lower limit switches.
9. If limit switch operation is OK, continue with step 10 below. If limit switches must be reset, follow the procedure in section 2.12, set the limit switches, in the installation section of this manual, then return to step 10 below.
10. Open the command box and press the START/STOP switch on the Model MP (or GV1) power switch to "STOP."
11. Connect the loose wire marked "4-3" to terminal 3 on the PLC.
12. Press the power switch to "START" and close command box door.
13. Reset the door using the general reset procedure:
 - Turn "AUTO/MAN" switch to "MAN".
 - Press the "DOWN" pushbutton.
 - Turn "AUTO/MAN" switch to "AUTO" to enable the activation system.

PUTTING DOOR BACK INTO GUIDE TRACKS

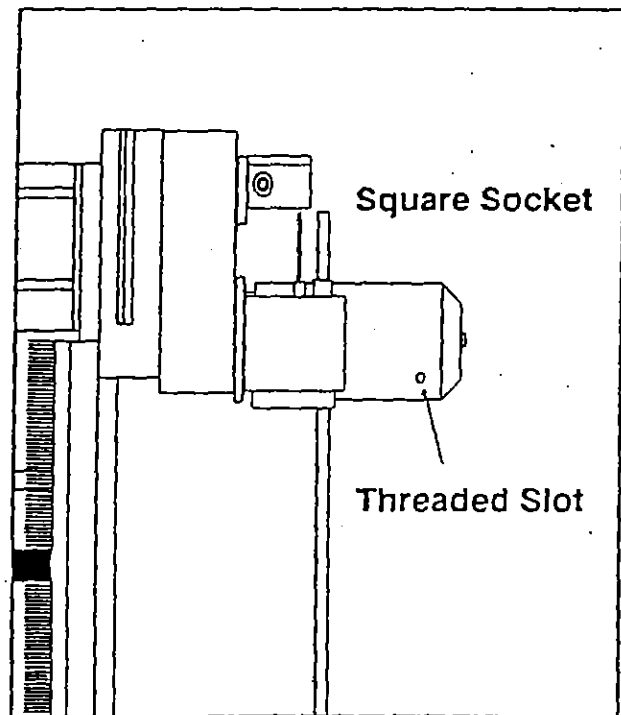
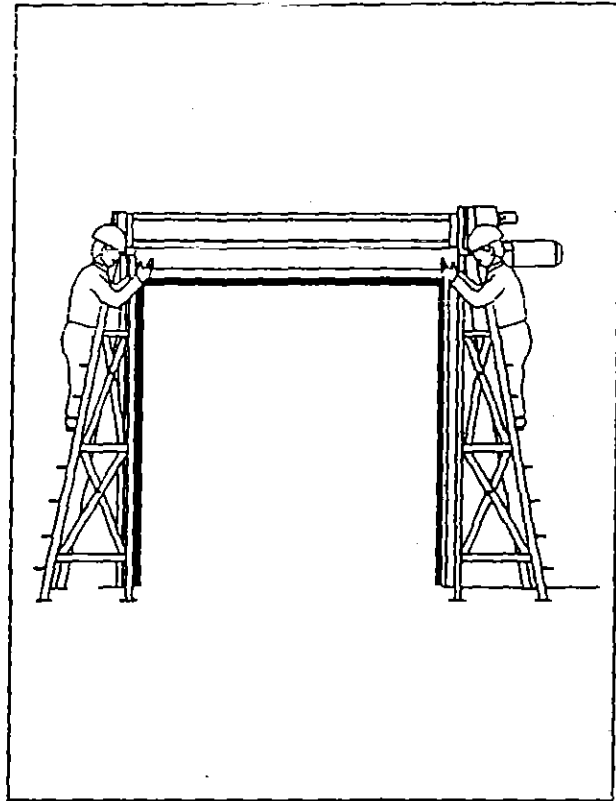
Follow the procedure below if the door panels are dislodged from the guide track channels.

IMPORTANT: Ensure that the door panels are not obstructed or snagged in any way before attempting to re-roll panels onto roller tube.

The panels must be rolled snugly onto the roller tube and the bottom edge inserted into the guide tracks at the top openings.

Raising Door Panels Manually

1. Place a 3/8" drive ratchet wrench into the square socket located on the end of the motor.
 2. Locate the 1/4" x 4" steel rod attached to the body of the motor.
 4. While simultaneously releasing the motor brake, pull the ratchet towards you. The door roller should be turning counter-clockwise. Manually lift the panel off of the floor.
- NOTE:** It is recommended to raise the door panel at least 2 feet from the floor level before beginning the reset procedure.
5. Open the control box and locate the motor protective switch (First unit on left). Push the "START" button. Power should be restored to all control box components and all LED indicators should be lit.
 6. Use general Reset Procedure



Door Passes Lower Limit Switch

1. Place a 3/8" drive ratchet into the square socket located on the end of the motor.
2. Locate the 1/4" x 4" steel rod attached to the body of the motor.
3. Insert the threaded end into the slot on the brake housing and pull to release the motor brake.
4. While simultaneously releasing the motor brake, pull the ratchet towards you. The door roller should be turning counter- clockwise. Manually lift the panel off the floor.

NOTE: It is recommended to raise the door panel at least 2 feet from the floor level before beginning the reset procedure.

5. Open the control box and locate the motor protective switch (First unit on left). Push the "START" button. Power should be restored to all control box components and all LED indicators should be lit.
6. Use general Reset Procedure.

RESETTING SHUNT TRIP MODULE

The Flexidoor Speed Master II Hi-Speed Roll-up Door is equipped with a 24V AC/60Hz Shunt Control Module designed to open the motor protection switch (start/stop switch) by a remote voltage signal.

If, during the upward or downward travel cycle the door panel passes the pre-set upper or lower limit switch **AND** activates the pre-set upper or lower safety limit switch, the Shunt Control Module will disconnect the power to the PLC and motor reversing contactor.

To restore power to the PLC and motor reversing contactor when:

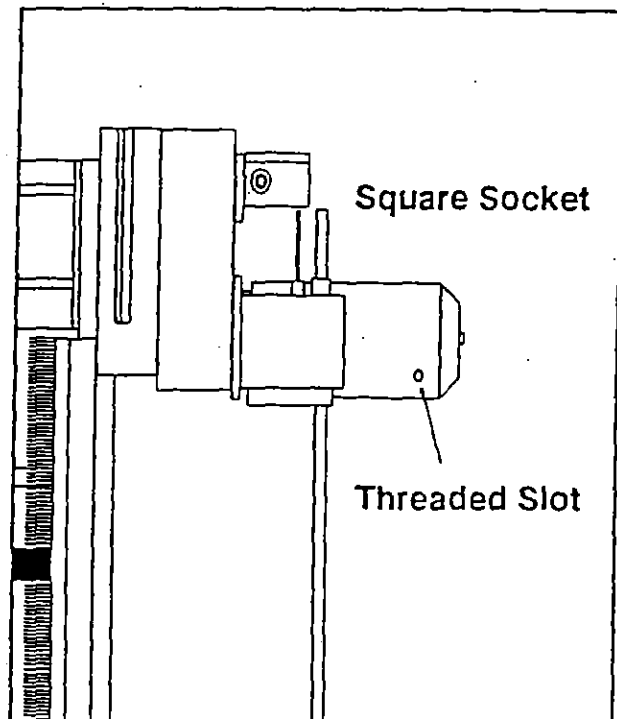
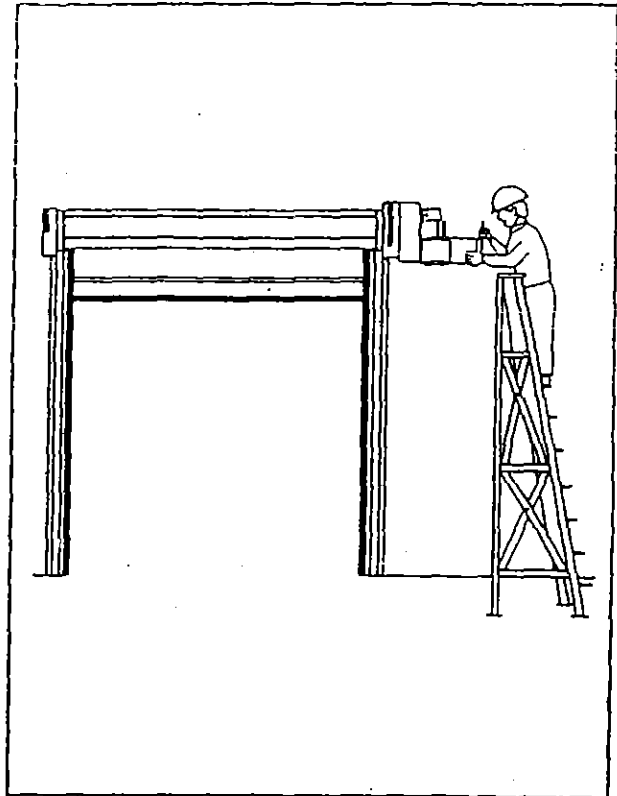
Door Passes Upper Limit Switch

1. Locate the 1/4" x 4" steel rod attached to the body of the motor.
2. Insert the threaded end into the slot on the brake housing and pull to release the motor brake. The door roller should start turning clockwise. If necessary, manually feed the panel back into the side tracks.

NOTE: It is recommended to lower the door panel at least 4 feet into the side tracks before beginning the reset procedure.

3. Open the control box and locate the motor protective switch (First unit on left). Push the "START" button. Power should be restored to all control box components and all LED indicators should be lit.

4. Use general Reset Procedure.

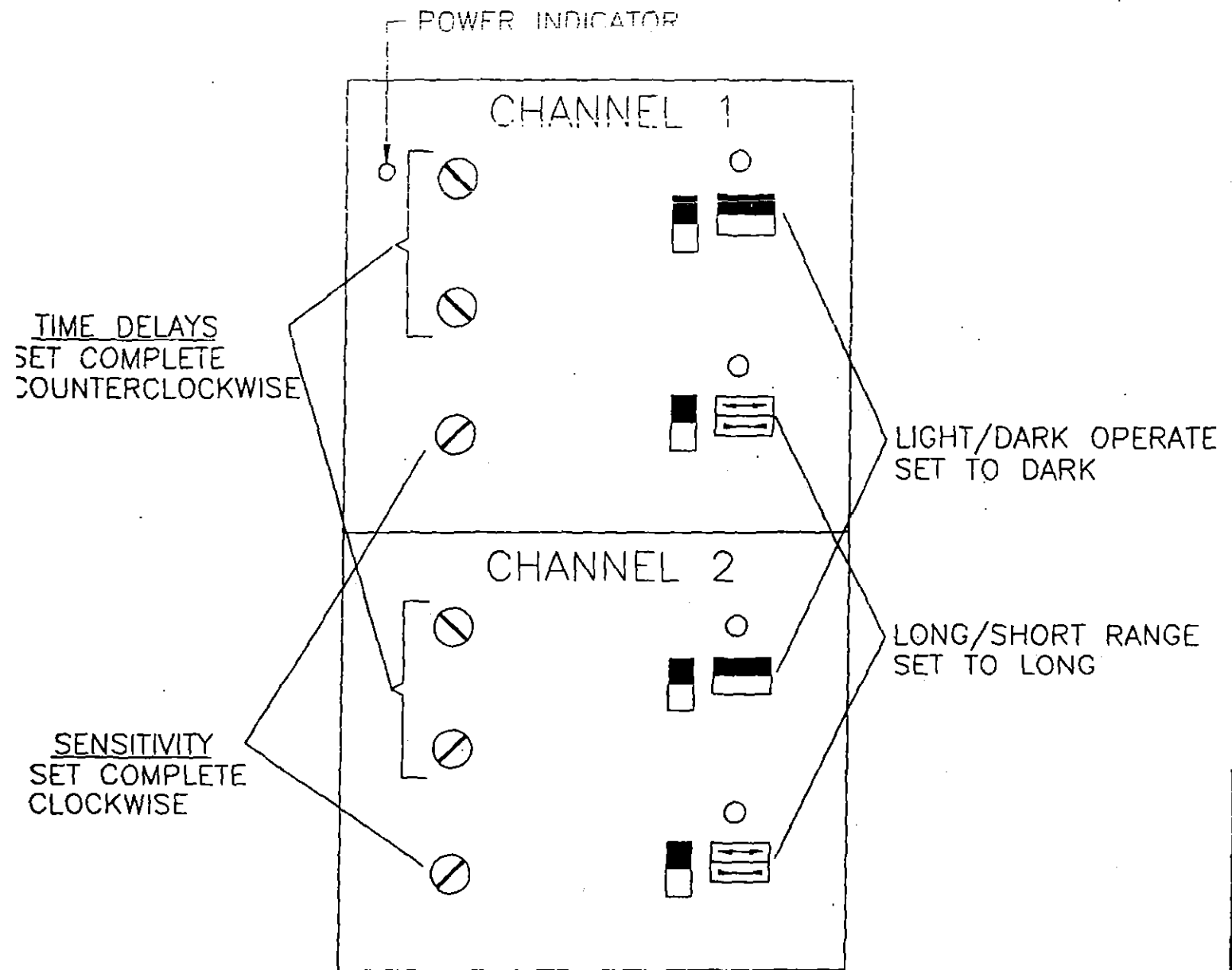



FUNCTIONAL DESCRIPTION OF PLC INDICATOR LIGHTS

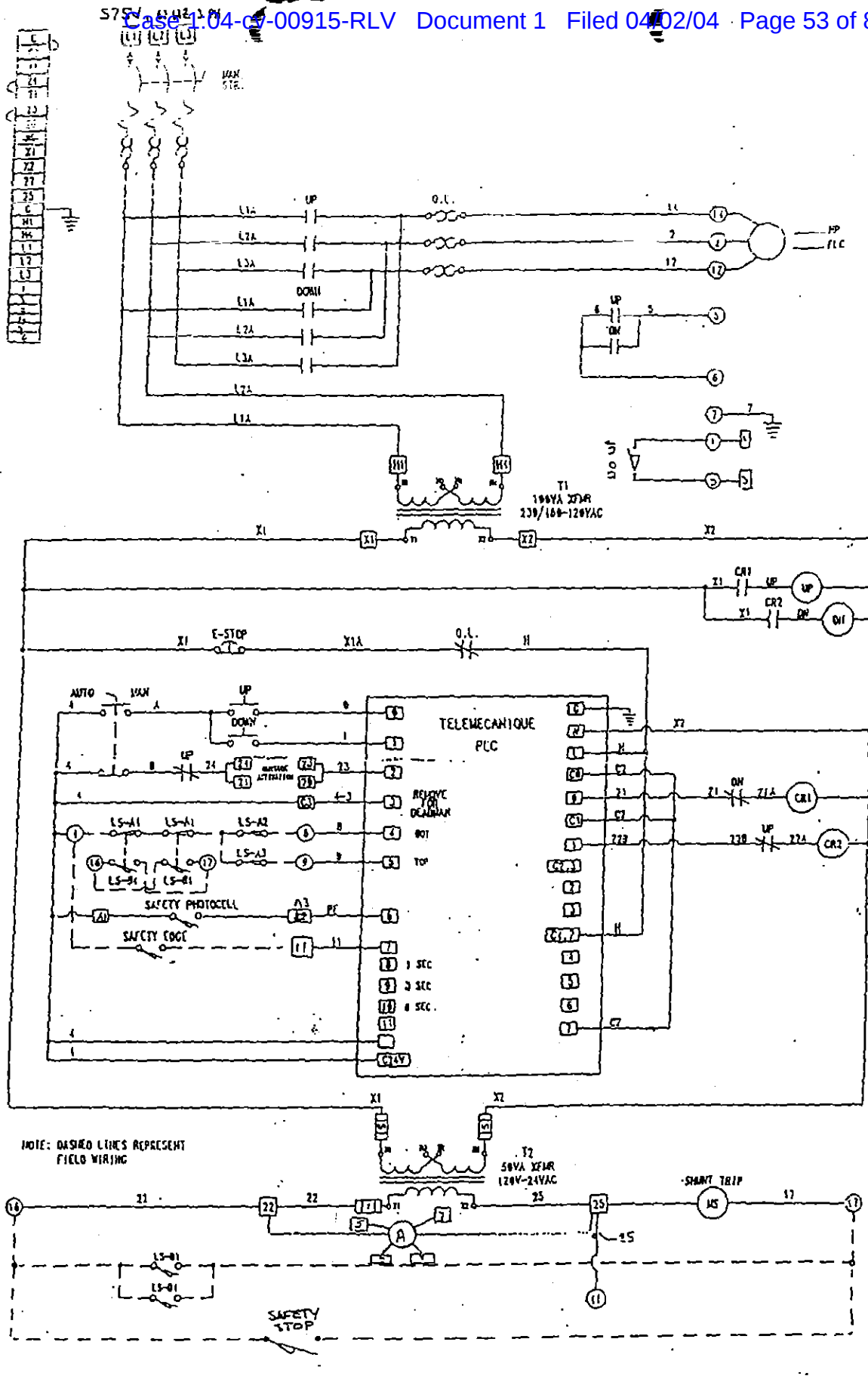
The tables below describe the indicator lights on the PLC inside the command box. Note that there are two groups of lights: Inputs and Outputs.

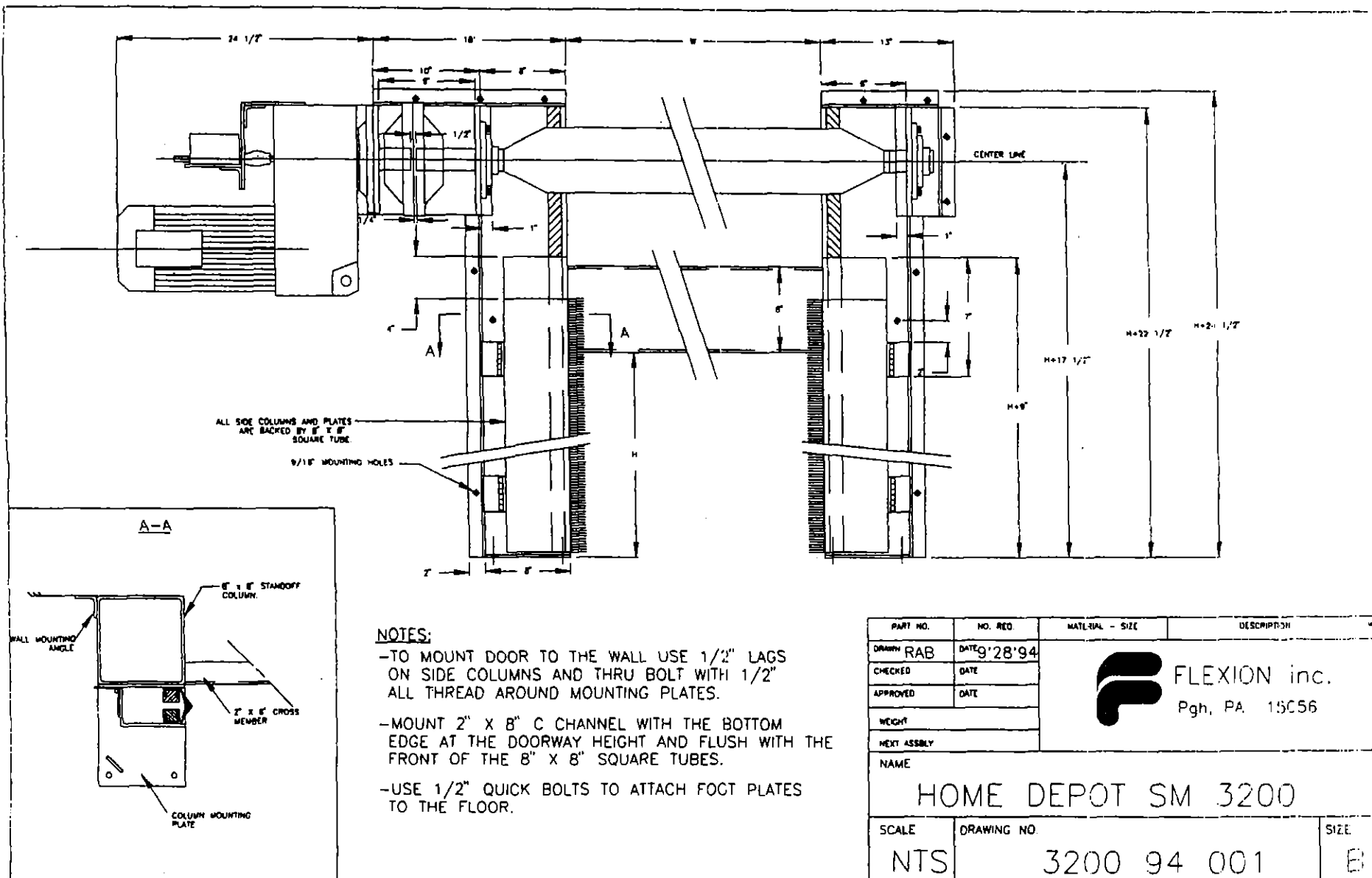
LED FUNCTION DESCRIPTION OF INPUTS	
LED	FUNCTION (Light "ON")
0	"UP" pushbutton is depressed
1	"DOWN" push button depressed
2	Remote activation contact closed
3	"DEADMAN" function defeated (light off; deadman is ON)
4	A3 (Top limit switch) is made
5	A2 (Bottom limit switch) is made NOTE: Both 4 & 5 "ON" is the normal condition when no limit switch is made. If light 4 is "ON" and 5 is OFF, A3 (Top Limit Switch) is made. If light 5 is "ON" and 4 is OFF, A2 (Bottom Limit Switch) is made.
6	Safety photocell beam is broken
7	Safety edge switch is closed
8	Time delay close - 1 second delay
9	Time delay close - 3 second delay
10	Time delay close - 6 second delay
8 & 9	Time delay close - 10 second delay
8 & 10	Time delay close - 15 second delay
9 & 10	Time delay close - 20 second delay

LED FUNCTION DESCRIPTION OF OUTPUTS	
LED	FUNCTION (Light "ON")
0, 2, 3	Door is running up (Up contactor is engaged)
1, 4, 5	Door is running down (Down contactor is engaged)
7	Reset, enable function - down button activates

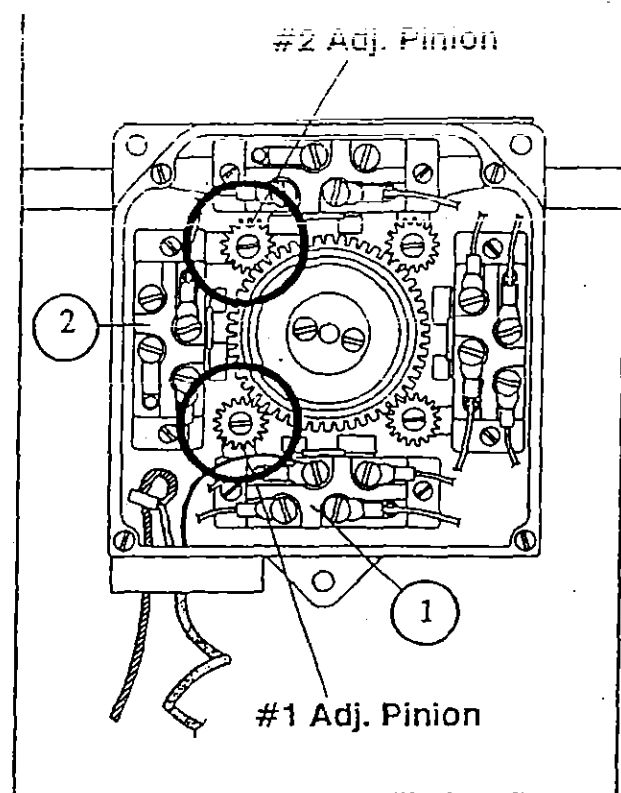


PART NO.	NO. REQ.	MATERIAL - SIZE	DESCRIPTION	WT.
DRAWN PTF	DATE 9-21-95		Buncher Industrial Park Avenue C Building 20-A Leesdale, PA 15056-1376	
CHECKED	DATE			
APPROVED	DATE			
WEIGHT				
NEXT ASSEMBLY				
TITLE PHOTOCELL AMPLIFIER SET-UP				
SCALE N.T.S.	DRAWING NO.			SIZE B





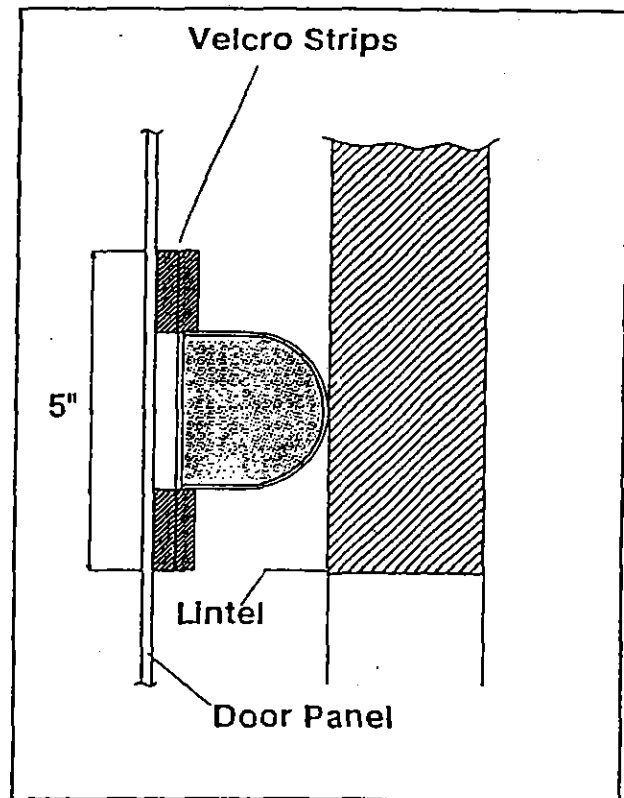
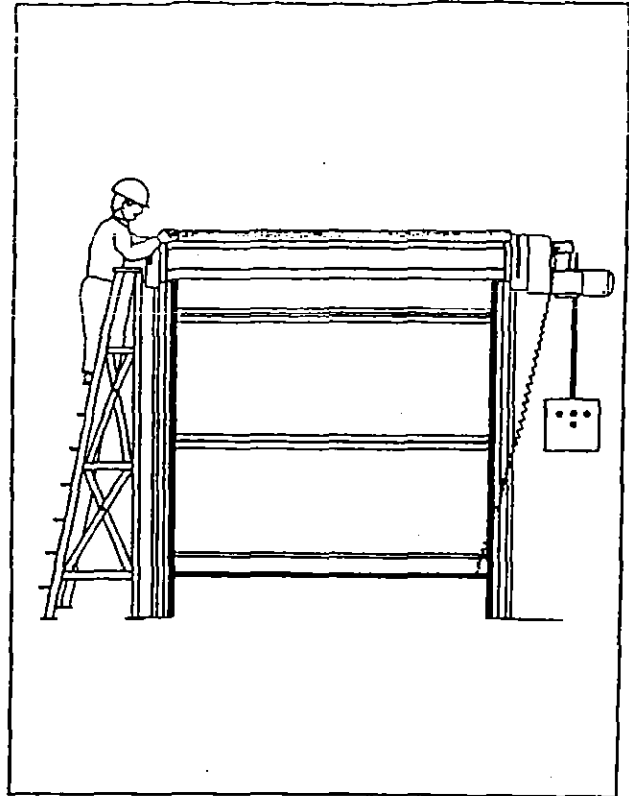
13. Run the door down until it just touches the floor.
14. Loosen the cam locking screws so the down cams can be moved, but keep them snug to hold the UP limit settings.
15. Turn the adjustment pinion that turns the gear associated with the #2, DOWN limit switch. Turn in a CLOCKWISE direction until the DOWN limit is made. Stop.
16. Turn the adjustment pinion for the #1, safety limit down CLOCKWISE until the cam begins to depress the switch arm. Stop.
17. Tighten the cam locking screws.
18. Press and hold the UP pushbutton to run the door fully up.
19. Press and hold the DOWN pushbutton until the door stops at the DOWN limit switch setting.
20. If the door comes down too far or not far enough, make fine adjustments on the #2 switch using a trial and error method.
21. When the setting is correct, tighten the cam locking screws and test the door operation both UP and DOWN several times. When satisfied, replace the cover on the limit switch housing.



IMPORTANT: The Speed Master Door is equipped with a protective shunt circuit that shuts off power to the door if either the #1, Safety Limit Down, or, #4, Safety Limit Up switches are made. If this occurs during installation, refer to section 3.9 of this manual for instructions on reset procedure.

INSTALL TOP DRAFT SEAL

1. With the door fully closed, mark the height of the door lintel on the panel roll. The lintel is the horizontal beam that forms the upper part of the doorway.
2. Raise the door approximately twelve (12) inches by holding in the UP button on the command box.
3. Mark a second line five (5) inches above the lintel height line.
4. Remove the two (2) Velcro hook strips from the top draft seal.
5. Remove the backing from the hook strips and press onto the panel roll. Reference the Velcro strips as shown in the illustration at the right. The bottom of one strip lines up with the lintel mark, and the top of the second strip lines up with the 5" mark.
6. Press the Velcro strips sewn onto the top draft seal against the strips on the panel roll to secure the top draft.
7. Run the door down to the fully closed position and check that the top draft seal seats between the panel roll and the surface of the wall.



REMOTE ACTIVATION SYSTEM AND OPTIONAL EQUIPMENT INSTALLATION

Remote activation systems (those mounted separately of the command box), can be of two basic types:

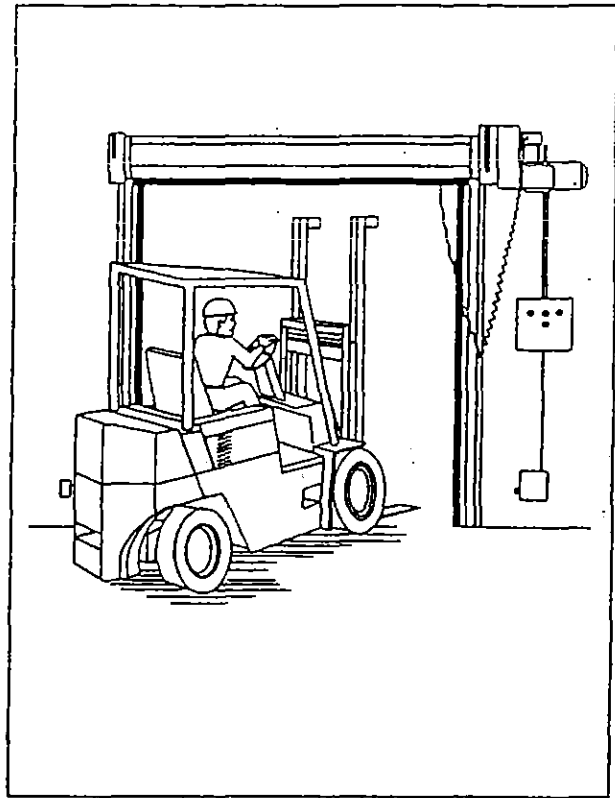
- Manual, or Automatic
- Manual systems include pull cord and remote pushbutton switches.
- For Automatic systems (radar, photocell, or induction loop) location of the activators is critical. Opening speed of the door (32"/second), AND approach speed of the vehicle MUST be taken into consideration so that the door will be in the full open position by the time the vehicle reaches the doorway after having passed through the activation system.

IMPORTANT: Failure to properly consider door opening speed and vehicle approach speed when setting up a remote opening system can result in accidental impact or repairs to the door!

Manual activation systems do not require a separate power source and may be wired into either of two circuits for N.O. (normally open) devices in the command box:

- Terminals 20 & 21, or
- Terminals 23 & 24

Either circuit will work.



Automatic systems that require 24 V activation can receive power from the command box on:

- Terminals 22 & 25

Install the activation system according to the instructions enclosed with each device.

Ensure that cross-traffic patterns are taken into consideration when installing the activation system.

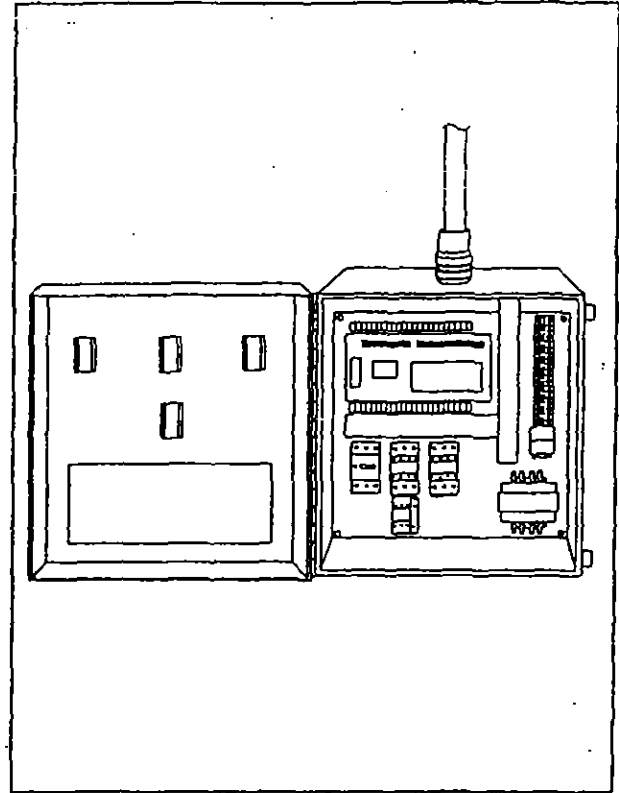
SETTING THE PLC FOR TIMED DELAY CLOSE

Your PLC is pre-set by the factory in the non-timed delay mode. If the timed delay to close is desired, follow these instructions.

When wire #4-10 is installed in the last terminal on the terminal strip located along the bottom of the PLC the door is in the non-timed delay mode. By moving wire #4-10 to terminal 8, 9, or 10 on the PLC, you can put your door into the timed delay close mode. The list below indicates the amount of time each terminal offers.

The last terminal on the terminal strip located along the bottom of the PLC is not labeled!

Move wire #4-10 to the terminal indicated and use a "jumper" wire if additional time delay is desired.



Terminal #8.....	1 second
Terminal #9.....	3 seconds
Terminal #10.....	6 seconds

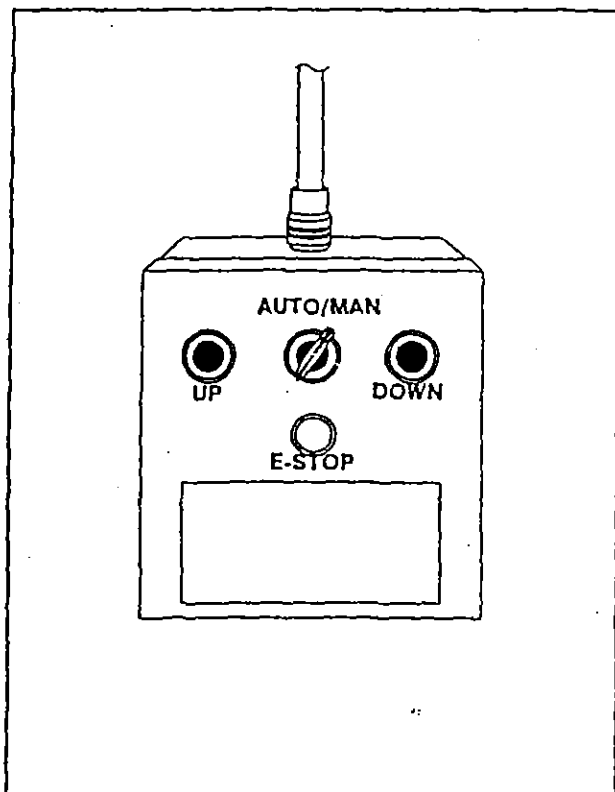
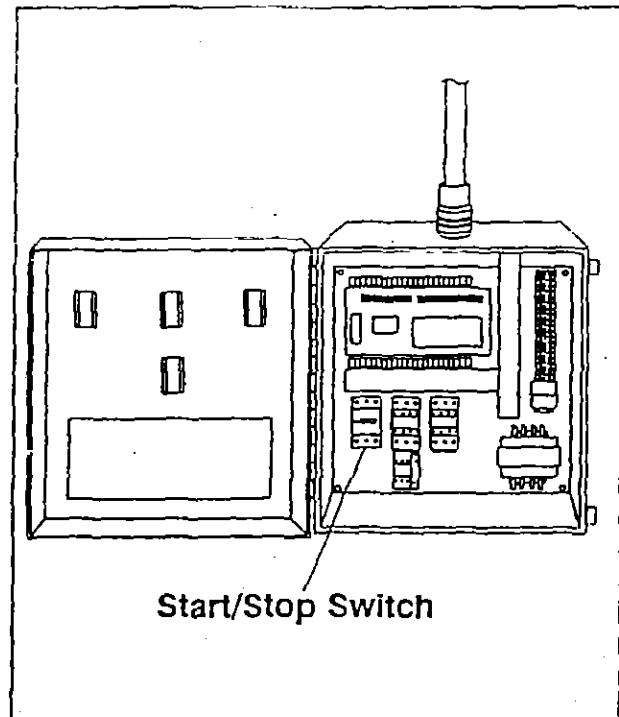
Terminal #8 w/ jumper to #9	10 seconds
Terminal #8 w/ jumper to #10	15 seconds
Terminal #9 w/ jumper to #10	20 seconds

OPERATIONS

START-UP PROCEDURE

1. Open the command box door, use caution when door of command box is open as high voltage is present inside command box.
2. Press "START" on START/STOP Switch on the Model MP (or GV1) power switch located inside command box at lower left corner.
3. Close and secure command box door.
4. Turn "AUTO/MAN" selector switch to MAN position.
5. Press the "DOWN" pushbutton. The DOWN pushbutton has a dual function of lowering the door and resetting the PLC circuits. If the door is up, it will automatically close. If the door is down, only the reset function will take place.
6. Turn the "AUTO/MAN" switch to "AUTO" and the door is ready for automatic operation.

CAUTION: High voltage is present when command box door is open.



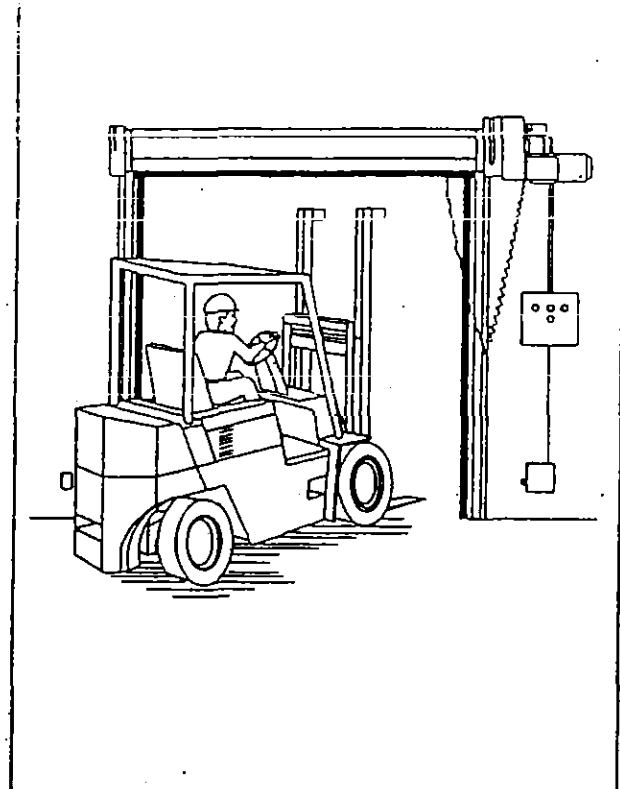
AUTO OPERATION

Automatic is the normal operating mode for the Flexidoor Speed Master II High-Speed Roll Up Door.

The following conditions exist when the "AUTO/MAN" switch on the command box is in the "AUTO" position:

- Remote activation system is operational (pull cords, radars, induction loops, photocells, etc.)
- "UP" and "DOWN" push buttons on command box are disabled.
- Emergency Stop button is operational.

During automatic operation the PLC controls all door movement. When the door is traveling up, the PLC ignores any signals from the remote activation system. When door is traveling down, door will immediately reverse if any activation system is tripped.



MANUAL OPERATION

The manual operating mode is for maintenance and reset of the door.

The following conditions exist when the "AUTO/MAN" switch on the command box is in the "MAN" position:

- Remote activation system signals are ignored by the PLC.
- The "UP" and "DOWN" pushbuttons are operational.
- Emergency Stop button is operational.

- The door travel can be reversed when it is going down by pressing the "UP" pushbutton.
- Timed delay close function is not possible.

The UP and DOWN pushbuttons can be set for momentary contact, or "DEAD-MAN" operation by removing the wire marked "4-3" from terminal #3 on the PLC. With this wire removed the door travels up or down only when the respective pushbutton is pressed and held depressed. Releasing the button stops door movement.

Schedule A - Mid-South Region

Organization Store Number	City	State	Annual Cost	Monthly Cost	Volume	Number of hours in store
Store 1116	Myrtle Beach, SC	SC	\$ 54,093	\$ 4,508	A	70
Store 1122	Murrell's Inlet, SC	SC	\$ 54,093	\$ 4,508	A	70
Store 1118	Charleston, SC	SC	\$ 54,093	\$ 4,508	A	70
Store 1121	N Myrtle Beach, SC	SC	\$ 54,093	\$ 4,508	A	70
			\$ 8,168,043	\$ 680,671		

Organization Store Number	City	State	Annual Cost	Monthly Cost	Volume	Number of hours in store
Store 6401	Bayamon, PR	PR	\$ 56,891	\$ 4,741	A	70
Store 6402	Carolina, PR	PR	\$ 56,891	\$ 4,741	A	70
Store 6403	Caguas, PR	PR	\$ 56,891	\$ 4,741	A	70
Store 6406	Ponce, PR	PR	\$ 56,891	\$ 4,741	A	70
Store 6407	Mayaguez, PR	PR	\$ 56,891	\$ 4,741	A	70
Store 6408	San Juan, PR	PR	\$ 56,891	\$ 4,741	A	70
Store 6409	Carolina, PR	PR	\$ 56,891	\$ 4,741	A	70
Store 226	Jacksonville, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 272	Jacksonville, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 275	Orange Park, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6334	St. Augustine, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6346	Jacksonville, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6365	Jacksonville, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6369	Orange Park, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 232	Orlando, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 261	Orlando, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 262	Casselberry, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 263	Altamonte Spings, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 266	Orlando, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 287	Oviedo, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6331	Orlando, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6367	Orlando, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 238	Port Richey, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 247	Cleawater, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 281	Springhill, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 288	Holiday, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6332	Crystal River, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6357	Cleawater, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 245	Tampa, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 256	Tampa, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 279	Tampa, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6311	Tampa, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6327	Tampa, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6361	Tampa, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 233	Daytona Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 253	Ocala, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 264	Lake Mary, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 270	Gainesville, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 278	Leesburg, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6323	Orange City, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6335	Port Orange, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 236	Largo, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 244	Bradenton, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 255	Sarasota, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 257	Petersburg, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 289	Pinellas Park, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6304	Seminole, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6319	Bradenton, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 254	Tallahassee, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 271	Pensacola, FL	FL	\$ 56,891	\$ 4,741	A	70

Schedule A Southern Region

Organization Store Number	City	State	Asset Cost	Liability Cost	Notes	Number of hours in store
Store 801	Mobile, AL	FL	\$ 56,891	\$ 4,741	A	70
Store 802	Foley, AL	FL	\$ 56,891	\$ 4,741	A	70
Store 863	Daphne, AL	FL	\$ 56,891	\$ 4,741	A	70
Store 865	Mobile, AL	FL	\$ 56,891	\$ 4,741	A	70
Store 6301	Fl. Walton Bch, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6303	Panama City, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6368	Pace, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 203	Lake Wales, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 243	Tampa, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 248	Lakeland, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 265	Kissimmee, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6305	Brandon, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6324	Lakeland, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6328	Orlando, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6340	Sebring, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 250	PL Charlotte, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 268	Cape Coral, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 273	Venice, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 276	Ft. Myers, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 280	Naples, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6348	Naples, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 204	Boca Raton, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 258	Sunrise, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 284	Coral Springs, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6312	N. Lauderdale, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6325	Delray Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6356	Coconut Creek, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 202	Hialeah, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 206	Miami, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 207	Miami, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 210	Miami, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6302	Marathon, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6306	Miami, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6355	Florida City, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 222	Davie, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 249	Oakland Park, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 251	N. Miami Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 285	Hollywood, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6310	Hollywood, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6326	Davie, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 220	Lake Park, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 225	West Palm, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 274	Jupiter, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6316	Lake Worth, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6320	West Palm Bch, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6330	West Palm Bch, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 213	Vero Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 221	Jensen Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 234	Merritt Island, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 260	W. Melbourne, FL	FL	\$ 56,891	\$ 4,741	A	70

Organization Store Number	City	State	Annual Cost	Monthly Cost	Volume	Number of hours in store
Store 283	Fl. Pierce, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6314	Stuart, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6336	Palm Bay, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 209	Hialeah, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 219	Miami, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 259	Pembroke Pines, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 277	Miami, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6353	Miramar, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 205	Lake Worth, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 208	Pompano Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 218	Deerfield Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 224	Boynton Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
Store 6315	Delray Beach, FL	FL	\$ 56,891	\$ 4,741	A	70
			\$ 6,030,446	\$ 502,537		

Schedule B

Months - into Contract	Repurchase Amount
1	\$ 7,439.76
2	\$ 7,233.10
3	\$ 7,026.44
4	\$ 6,819.78
5	\$ 6,613.12
6	\$ 6,406.46
7	\$ 6,199.80
8	\$ 5,993.14
9	\$ 5,786.48
10	\$ 5,579.82
11	\$ 5,373.16
12	\$ 5,166.50
13	\$ 4,959.84
14	\$ 4,753.18
15	\$ 4,546.52
16	\$ 4,339.86
17	\$ 4,133.20
18	\$ 3,926.54
19	\$ 3,719.88
20	\$ 3,513.22
21	\$ 3,306.56
22	\$ 3,099.90
23	\$ 2,893.24
24	\$ 2,686.58
25	\$ 2,479.92
26	\$ 2,273.26
27	\$ 2,066.60
28	\$ 1,859.94
29	\$ 1,653.28
30	\$ 1,446.62
31	\$ 1,239.96
32	\$ 1,033.30
33	\$ 826.64
34	\$ 619.98
35	\$ 413.32
36	\$ 206.66

A form is incomplete because it either does not have the required fields completed or has been saved instead of submitted.

To search for a specific form, select the form name and location number.

Form Name:

Location:

Safety Operational Review

0126

To complete or view the desired form:

1. Click on the form name.
2. Enter the required data.
3. Submit or save (if not complete).

Form ID	Form Name	Form Date	Form Status	Form Type	Form Category	Form Subcategory	Form Score	Form Rating
0126	09/11/2002	93	91	100	83	100	100	93
Overall Score								

Complete the requested fields and click save to complete the form at another time. Click submit to send the form for approval or click cancel to erase. *An answer is required for all questions.

Lift Equip.
Safety

Merchandising &
Ladders

Ergonomics &
Racking

Hazardous Materials &
PPE

Program
Evaluation

Summary
Scoring

Date Completed: 09/11/2002

Location: 0126

Store Manager:* DENNIS YOUNGBLOOD

Operations Assistant Manager:* GLEN BARRETT

Lift Equipment Safety Standards

Observe two (2) lift equipment operations requiring banners & spotters:

1.Are banner barricades and spotters used, as defined in the Lift Equipment Safety Standards?

Checked 0 deficiencies (20 Points)

Observe a "sit-down" forklift operation

2.Is the seat belt used?

Checked 0 deficiencies (10 Points)

Observe two (2) pieces of lift equipment being driven in the store

3.Is a spotter being used and is the 'Zone of Safety' observed?

Checked 0 deficiencies (20 Points)

4.Are all lift equipment operators wearing an appropriate lift truck license?

Checked 0 deficiencies (5 Points)

Observe an Order Picker in use or in-rack work over 6 feet

5.Is full body harness & retractable lanyard (static lanyard in Canada) in use on order picker or when in/on racking (in/on rack work over 6 feet must include a 2 foot choker attachment "tie-off")?

Checked 0 deficiencies (20 Points)

Inspect all order pickers and electric ladders:

6.Are full body harnesses and retractable lanyards (order pickers) or body belts* and 2 1/2 foot static lanyards (electric ladders) in place and in good repair?

(*full body harnesses required in Washington and Canada)

Checked 0 deficiencies (15 Points)

7.Was the daily forklift check completed for all lift equipment over the last 30 days, including weekends?

(Note: though not "powered lift equipment", there should also be inspections for the electric ladders)

Checked 3 or more (0 Points)

8.Review three (3) lift truck operator files:

Is there documentation of lift equipment training, and if driver was certified prior to current year, is there evidence that they received re-certification for the current year?

Checked Yes (20 Points)

Associate Interview Questions (Interview 2 associates)

(remember to coach and train associates on our standards, as necessary, following the interview questions)

9.Can associate explain the banner/spotter standard?

(Note: 2 banners are required in the working and adjacent aisle and a spotter is required in the adjacent aisle).

Associate 1 Checked Yes (10 Points)
Associate 2 Checked Yes (10 Points)

10. Can associate explain the fall protection requirements?

(Note: A full body harness and self-retracting lanyard is required when working from an order-picker or when working at heights 6 feet or higher (i.e.: re-setting racking). A 2 foot choker attachment "tie-off" should be used for in/on rack work 6 feet or higher. A body belt and 2 1/2 foot static lanyard is required when working on the electric ladder. A full body harness is required in Washington and Canada.

Associate 1 Checked Yes (10 Points)
Associate 2 Checked Yes (10 Points)

11. Can the associate explain the spotter responsibilities?

(Note: The spotter should position themselves outside the banners, ensure no one crosses the banners or enters the zone of safety, alert the operator if someone does enter the zone of safety, assist operator in the safe placement of the load and continue their spotter responsibilities until the operator completes the job.)

Associate 1 Checked Yes (10 Points)
Associate 2 Checked Yes (10 Points)

Interview the Store Manager or Manager on duty

(remember to coach and train associates on our standards, as necessary, following the interview questions).

12. Can Manager explain the banner/spotter standard?

Checked Yes (10 Points)

13. Do they know the requirements of fall protection?

Checked Yes (10 Points)

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Merchandising and Ladders

1. Is palletized freight in the overhead stretch-wrapped to all 4 corners of pallet or banded to the pallet?

Checked 1-2 deficiencies (10 Points)

2. Is palletized merchandise limited to 1 pallet high in the overhead?

(no pallet -on-pallet or slipsheet -on-pallet)

Checked Yes (10 Points)

3. Is palletized merchandise in the overheads limited to 4 feet in the top overhead, with no palletized merchandise exceeding 20 feet in total height?

Checked 1-2 deficiencies (10 Points)

4. Is hand-stacked/non-palletized merchandise limited to 4 feet in the overhead?

(merchandise must be stable with no crushed or open boxes or leaning stacks)

Checked 0 deficiencies (15 Points)

5. Is there no handstacked merchandise in departments 21, 22, 23, 28 and 30 in top overhead?

(See guidelines for exceptions)

Checked 0 deficiencies (20 Points)

6. Are displays of top-heavy merchandise secured to prevent tipping?

(examples: pedestal sinks, vanities, cabinets, drill presses, lampposts)

Checked Yes (10 Points)

7. Review the last three (3) merchandising safety alerts. Is the store in compliance with the requirements of these alerts? Safety First!

Checked 0 deficiencies (20 Points)
Did the last three (3) merchandising safety audits
tractor safety, hand-mat, rty deck safety

8. Is there no unsecured merchandise (doors, windows, carpet rolls, lumber, etc.) or pallets left leaning outside racking?

Checked 1-2 deficiencies (5 Points)

9. Are all handstacked water heaters stored above floor level (overheads) secured from falling by 'airline' cable?

Checked No (0 Points)

10. Vertically stored freight or merchandise on wheels are protected by retainer beams and toe boards?

(examples include: pipe, moulding, lawnmowers, grills, ladders)

Checked Yes (10 Points)

11. Inspect the carpet sample fixture (white ventilated shelving - typically attached to the carpet machine) It should not protrude into the aisle or has been raised to 7 feet or higher?

Checked Yes (5 Points)

12. Are aisles free of debris (stretch- wrap, banding, cardboard, etc.) and free of obstructions (palletized merchandise, wing stacks, lift equipment, etc.) to allow safe egress; at minimum, can a shopping cart pass down every aisle?

Checked 0 deficiencies (15 Points)

13. Are aisles free of protruding merchandise or banding, at or below 7 feet?

Checked Yes (5 Points)

Inspect Lumber Aisle:

14. Are lumber sticker boards not resting on cantilever arms?

Are units of lumber double banded? (triple banded if over 16 feet)

No pallets stored on cantilever arms (Unless using approved cross brace)?

Are there a minimum of 3 tilt n' roll ladders available?

Checked 0 deficiencies (10 Points)

15. Are safety retainer poles in place on cantilever arms, at shopping level?

(shopping level includes floor and next level; should have 2 per shopping bay)

Checked 0 deficiencies (10 Points)

Inspect three (3) rolling ladders:

16. Are they stable with lock step operational and locked down, with the appropriate "Employees Only" sign in place and no debris on steps or platform?

Checked Yes (10 Points)

Observe three (3) associates using ladders (2 rolling / 1 electric):

17. Are they observing safe work practices including: working within rails, not throwing/dropping freight, lock-step locked down, no merchandise left on steps?

Checked Yes (15 Points)

18. Are only authorized ladders used in the store (fiberglass step ladders used only in light cloud and no evidence of step ladders or step stools used elsewhere in store)?

Checked Yes (15 Points)

19. Electric ladder: Is the correct fall protection used and not being overloaded - Not used as a mini order picker & platform height may not exceed 12 feet (there is a 500 lb. limit including the operator)?

Checked Yes (15 Points)

20. Inspect the carpet machine (s). There should be nothing stored under the machine, there is a No Storage or similar message painted under machine, the connections should be free of plastic &

thread build up and each roll of carpet has at least 3 carpet straps.

Checked Yes (15 Points)

21. Inspect the wire machine(s). It should be bolted or secured to the floor and all 'loose' wire ends should be secured.

Checked Yes (15 Points)

22. Is all muriatic acid properly merchandised in o/s garden (location, height, packaging)?

Checked Yes (10 Points)

23. Inspect shadow boxes and "Depot Dons". Are they secured to racking uprights (not support braces) with washers & bolts or washers & self-tapping screws?

Checked Yes (10 Points)

24. Bulk Stacking. Are all of the following floor/ground level bulk stacked merchandise limited to one (1) unit high (garden bagged goods over 4 feet, liquid products, joint compounds, sealers or coatings)?

Checked Yes (15 Points)

Associate Interview Question (Interview 2 associates)

25. Can associate explain the ladder standard?

Note: The ladder standard states that 1) Only store approved ladders (13, 9 & 6 step / tilt 'n' roll / electric) are allowed to be used. 2) fiberglass step ladders are only allowed in the light cloud and 3) Fall protection (belt & 2 1/2' static lanyard) must be worn on the electric ladder.

Associate 1 Checked Yes (5 Points)

Associate 2 Checked Yes (5 Points)

Manager On Duty Interview Question

26. Can Manager explain the ladder standard?

Checked Yes (5 Points)

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Ergonomics

Observe five (5) associates:

1. Are they using proper lifting technique?

Checked Yes (15 Points)

2. Are they using equipment (i.e.: pallet jack) or getting help from other associates to assist in moving heavy/bulky items?

Checked Yes (10 Points)

3. Is back belt being worn properly (Low enough around the waist to provide lumbar support, and cinched except when on break/lunch)?

Checked Yes (5 Points)

Associate Interview Question (Interview 2 associates)

4. Can associate explain and demonstrate how to use a back support belt?

Note: A back belt is required at all times when on the job (apron = backbelt). It should be worn low enough to provide lumbar support and should be cinched whenever the associate is lifting, pulling and pushing. It should be loosened when on breaks or lunch.

Associate 1 Checked Yes (10 Points)

Associate 2 Checked Yes (10 Points)

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Racking

Inspect racking supporting heavy merchandise (brick/block/paver/stone, sheet rock mud, roofing materials, concrete products, garden bagged goods, tile/flooring, 4 foot X 8 foot sheet goods, salt pellets)

(Note: Immediately report racking damage to Store Planning or Maintenance)

1.Are the beams 5 inches or greater in width?

Checked Yes (10 Points)

2.Are beams secured to upright with a grade 5 bolt?

Checked No (0 Points)

3.Are the pallets supported by either wooden stickers & 2 metal cross bars (per pallet) or wire decking? (Note: if the pallet does not span beams, 2 metal cross bars are required under wire decking as well.)

Checked Yes (10 Points)

4.Is there no more than 3/4 inch movement or 1/4 inch impact dent?

Checked Yes (10 Points)

5.(Note: Question 5 applies only to roofing and concrete bagged goods)

If the first level of beams are at 52 inches or higher, is there both a front and back beam bolted in place at the floor level, wire and/or wood decking in place and column protectors used?

Checked Yes (10 Points)

6.Are upright legs bolted to the floor (outside upright legs only, except in seismic zones - seismic zones require all legs of all uprights to be bolted)?

Checked Yes (10 Points)

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Hazardous Materials & Personal Protective Equipment (PPE)

1.Does store have fully equipped spill kits? (Paint, Receiving, Front-End, Garden, Tool Rental - see 09-65 for items required in spill kit)

Checked Yes (25 Points)

2.Randomly select ten (10) associate personnel/training files. Have all associates received Hazard Communication 'Right to Know' training as part of new hire orientation?

Checked Yes (25 Points)

3.Are chemical resistant gloves, apron and goggles available & utilized for battery filling procedures?

Checked Yes (5 Points)

4.Also, observe one (1) associate. Is eye protection worn when using saws, tile cutter, pipe or key machine?

Checked Yes (10 Points)

5.Are all emergency exits (inside & outside) unobstructed, unbarred, and easily accessible?

Checked Yes (25 Points)

6.Randomly inspect five (5) portable fire extinguishers. Are they mounted so 1) that from any point in the stores you are within 75 walking distance to an extinguisher, 2) the top of fire extinguisher is not higher than five (5) feet, 3) are they fully charged and 4) have they been inspected in the last 12 months?

Checked Yes (10 Points)

7.Are only approved (metal Eagle Mfg. Safety Can) containers use to store gasoline?

Checked Yes (10 Points)

8.Tool Rental Center (If applicable)

Is the work shop ventilation system unobstructed and operating?

Note: If the store does not have a TRC, answer yes to the question.

Checked Yes (15 Points)

9.Are all eye wash stations (receiving, paint and dept. 28) properly maintained (units are clean, full with solution and assessible to associates)?

Checked Yes (10 Points)

10.Is the Haz Mat cabinet in receiving properly maintained as oulined in the management instructions attached to the cabinet?

Checked Yes (10 Points)

Has the store had a 3E Haz Mat 'pick-up', at minimum, in the last six (6) months?
(the store should be able to provide a copy of the appropriate shipping manifest)

Yes

Associate Interview Question (Interview 2 associates)

11.Can the associate explain requirements and uses of safety glasses and safety knives?

Note: Safety glasses with side shields are required whenever the associate is using any power saw, tile, pipe or glass cutter and key machine. They should also be worn when cutting metal banding. Safety goggles, chemical resistant gloves & apron should be worn when servicing the equipment batteries. Finally, to use the safety knife they should 1) Insert the blade into the box 2) Remove thumb from button, and 3) Cut away from self as you cut box.

Associate 1 Checked Yes (5 Points)

Associate 2 Checked Yes (5 Points)

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Program Evaluation (Document Review)

Accident Investigation / Claims Management

1.Review the last Monthly Risk Management report. Are there no late report charges for the current month and previous month?*

Checked 0 deficiencies (15 Points)

Review the last five (5) Workers' Compensation claim files, that required medical treatment

2.Was a post accident drug test given?(Note: If this state does not allow drug testing i.e. Iowa, answer yes to the question.)

Checked Yes (5 Points)

3.Was a medical authorization given?

Checked Yes (5 Points)

4.Was the claim folder worksheet completed (at minimum who, what, when, where and how)

Checked Yes (5 Points)

5.If any are Transport Inquires, are incident / accident investigations completed and remedial actions identified? (Note:this would apply to transport inquiries only and should include pictures)

Checked Yes (10 Points)

6.If a lost time claim, did associate receive follow-up contact on a weekly basis for return to work?

Checked Yes (5 Points)

7.Is the store using a modified work return-to-work program for those associates who are eligible?

Checked Yes (5 Points)

Customer Claims

Check three (3) customer claim files:

8. Is required documentation in each file (completed claim folder worksheet, statements)

Checked Yes (5 Points)

9. Are incident / accident investigations completed and remedial actions identified?

(this would apply to transport inquiries only and should include pictures)

Checked Yes (10 Points)

Associate Interview Question (Interview 2 associates)

10. Do they know when and how to report an accident?

Note: All accidents must be reported to a manager or department supervisor immediately

Associate 1 Checked Yes (5 Points)

Associate 2 Checked Yes (5 Points)

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In Focus Team / JHSC (Canada) Flash Audits & Roll Calls

1. Has the In Focus Team / JHSC (Canada) met every week for the last three (3) months?*

Checked Yes (20 Points)

2. Is Store Manager the Chairperson, and have they attended each meeting?*

Checked Yes (15 Points)

3. Is the "In Focus Team / JHSC (Canada) Board" complete and up to date?

Checked Yes (15 Points)

Associate Interview Question (Interview 2 associates)

4. Are they aware of the InFocus Team/JHSC and know their role?

Note: At minimum, the associate should know that the InFocus Team/JHSC is a joint committee whose role is to help prevent accidents

Associate 1 Checked Yes (5 Points)

Associate 2 Checked Yes (5 Points)

5. Has the store performed all Weekly Safety Flash Audits for the last (2) two months?*

Checked 1 deficiency (15 Points)

6. Did the store achieve at least a "good" (85 pts.+) score for each week?*

Checked 0 deficiencies (15 Points)

7. Has the store completed the Opening and Closing Safety Roll Call logs for the last 30 days?

Checked 0 deficiencies (10 Points)

8. Has the Store Manager signed each of these Opening and Closing Safety Roll Call logs for the last 30 days?

Checked 0 deficiencies (10 Points)

9. Based on the store walk, are the deficiencies noted in these roll call rosters, flash audits and previous safety operational reviews being corrected?

Checked Yes (25 Points)

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Unsafe or Substandard Conditions or Behaviors Observed Dept./Location

Compliance must be developed immediately following Operational Review Recap for all areas scoring below 80%

Summary Scoring				
Safety	Total Points Available	Total Points Earned	Score %	Prior Review %
Store Walk				
Lift Equipment Standards	205	190	93	N/A
Merchandising/ Ladders	320	290	91	N/A
Ergonomics	50	50	100	N/A
Racking	60	50	83	N/A
HazMat/PPE/Emergency Prep.	155	155	100	N/A
Program Evaluation				
Accident Investigation and Claims Management	75	75	100	N/A
InFocus Teams/ Joint Health Safety Committee (JHSC), Flash Audits and Roll Calls	145	135	93	N/A
Total	1010	945	94	N/A

Status: Closed

T-342 P.002/005 F-509

FROM-HOME DEPOT 0126 Lawrenceville, Ga.

12-DEC-2002 05:01PM

50.00

DAILY OPENING CHECKLIST

TODAY'S DATE 12/10/02
M D Y

21	[REDACTED]	Y	6:15
22	[REDACTED]	Y	6:15
23	[REDACTED]	Y	6:10
24	[REDACTED]	Y	5:10
25	[REDACTED]	Y	5:15
26	[REDACTED]	Y	6:05
27	[REDACTED]	Y	6:10
28	[REDACTED]	Y	6:15
29	[REDACTED]	Y	6:10
30	Terry	Y	6:25
F.E.	[REDACTED]	Y	5:40
REC.	[REDACTED]	Y	5:05
TOOL RENTAL			

Were the Lift Equipment Checklists for all equipment completed?

☒ Yes ☐ No
OPENING MANAGER SIGNATURE: 

<input checked="" type="checkbox"/> FREIGHT / MFW PACKDOWN LIST:	see dept. lists
<input checked="" type="checkbox"/> EQUIPMENT:	FRANK
<input checked="" type="checkbox"/> RACE TRACK AISLES:	
<input checked="" type="checkbox"/> WINGSTACKS - STANDARDS:	
<input checked="" type="checkbox"/> REGISTER END CAPS - 5'X5':	
<input checked="" type="checkbox"/> STORE OPENING/ASSIGN WORK LISTS:	on clip boards in dept.
<input checked="" type="checkbox"/> ENTRANCEWAY - INVITING:	
<input checked="" type="checkbox"/> RECEIVING CLEAN:	almost

STORE MANAGER SIGNATURE: _____

TODAY'S DATE: 12/10/01
M D Y

21	[REDACTED]	Y	450
22	[REDACTED]	Y	400
23	[REDACTED]	Y	000
24	[REDACTED]	Y	800
25	[REDACTED]	Y	820
26	[REDACTED]	Y	870
27	[REDACTED]	Y	800
28	[REDACTED]	Y	870
29	[REDACTED]	Y	800
30	[REDACTED]	Y	900
F.E.	[REDACTED]	Y	1670
REC.	[REDACTED]	Y	810
TOOL RENTAL			

☒ PERIMETER DOORS ARE SECURED?
☒ MERCHANDISE OUTSIDE CHAINED WITH BEST CORE LOCK?
☒ STORAGE TRAILERS SECURED WITH PINLOCK?
☐ ALL DELIVERIES SECURED?
☐ LOAD AND GO TRUCKS LOCKED AND CLUB IN PLACE?
☒ IS THE VAULT SECURED?
☒ THE SENSORMATIC ALARM COUNTER MATCHES THE LOG?
☒ GARDEN GATES AND INTERIOR DOORS SECURED?

CLOSING MANAGER SIGNATURE:

[illegible]

STORE MANAGER SIGNATURE:

SAFETY FLASH AUDIT

Store # 126 Date: 11-29-02

Complete this checklist once per week. Safety requires 100% execution. Report any unresolved safety issues to store management when audit is complete. Store documents in infocus binder for 60 days

NOTE: Refer to "RACKING" section on this form for definitions of "Good Condition"

D21-Lumber

All safety poles properly installed
All units of lumber properly banded and safely stored
The racking in department 21 is in "good condition"
Department 21 is free of trip hazards and protruding objects

D22-Building Materials

The top overheads are free from any hand stacked merchandise
All ladders and vertically stored merchandise is secure
All palletized merchandise is stretch wrapped or banded to pallet
All racking in department 22 is in "good condition"
Department 22 is free of trip hazards and protruding objects

D30-Millwork

Vertically stored products (doors, windows, molding) are secured
All palletized merchandise is stretch wrapped or banded to pallet
The top overheads are free from any hand stacked merchandise
All racking in department 30 is in "good condition"
Department 30 is free of trip hazards and protruding objects

D25-Hardware

Overhead safety nets are closed, secured and in good condition
All palletized merchandise is stretch wrapped or banded to pallet
Hand stacked merchandise is stable and limited to 4 feet high
All racking in department 25 is in "good condition"
Department 25 is free of trip hazards and protruding objects

D24/59-Paint/Décor

Spill kits are available and properly stocked in Dept. 24
All palletized merchandise is stretch wrapped or banded to pallet
Hand stacked merchandise is stable and limited to 4 feet high
All racking in department 24/59 is in "good condition"
Department 24/59 is free of trip hazards and protruding objects

D26-Plumbing

All vertically stored products (pvc, copper pipe) are secured
Hand stacked merchandise is stable and limited to 4 feet high
All palletized merchandise is stretch wrapped or banded to pallet
All water heaters are properly secured by cables
All racking in department 26 is in "good condition"
Department 26 is free of trip hazards and protruding objects

D29-Kitchen/Bath

Displays (sinks, vanities, toilets) are secured to walls or floors
Hand stacked merchandise is stable and limited to 4 feet high
All palletized merchandise is stretch wrapped or banded to pallet
No countertops are flat stacked or stored in overhead racking
All racking in department 29 is in "good condition"
Department 29 is free of trip hazards and protruding objects

D27-Electrical

All wire ends are secured to spools on the wire machine
Hand stacked merchandise is stable and limited to 4 feet high
The wire machine is free from stored product underneath
All palletized merchandise is stretch wrapped or banded to pallet
All racking in department 27 is in "good condition"
Department 27 is free of trip hazards and protruding objects

D23-Flooring

The carpet machine is free from stored product underneath
Hand stacked merchandise is stable and limited to 4 feet high
No area rugs or other merchandise leaning outside the racking
All racking in department 23 is in "good condition"
Department 23 is free of trip hazards and protruding objects

D28-Seasonal/Garden

- 1 Spill kits are readily accessible and properly stocked
- 2 Hand stacked merchandise is stable and limited to 4 feet high
- 3 The top overheads are free from any hand stacked merchandise
- 4 All palletized merchandise is stretch wrapped or banded to pallet
- 5 All racking in department 28 is in "good condition"
- 6 Department 28 is free of trip hazards and protruding objects

Receiving,

- 1 Electrical and riser rooms are free of any stored material or products
- 2 Wheel chocks are available for all trailers at dock doors
- 3 There is clear access to eye wash stations in receiving area
- 4 Eye wash stations are visible, clean and properly operating
- 5 Hazardous materials cabinet is uncluttered and accessible
- 6 Chemical resistant PPE (goggles, gloves, apron) are available in the lift equipment battery charging area
- 7 Fire exit door(s) in receiving are clear and accessible
- 8 The trash compactor door is locked when not in use
- 9 All racking in the receiving area is in "good condition"

Front End

- 1 All operating registers have anti-fatigue work mats in place
- 2 All displays at the registers are free from protruding objects
- 3 All doors at front end are unblocked and free of trip hazards
- 4 "Customer Safety Hotline" poster is visible to exiting customers
- 5 There is no leaning merchandise against the register counters

General

- 1 Rolling ladders are in the locked position and in good condition
- 2 Extension cords are not being used as permanent power (24hrs)
- 3 Banner nets are stored when not in use and are not a trip hazard
- 4 Electric ladders have required fall protection
- 5 Order pickers have required fall protection on board
- 6 Load&Go
- 1 The daily maintenance and safety inspections are completed
- 2 Load limit signage is attached, clear and readable
- 3 The Load&Go is parked in the closest space to the building

RACKING - "Good Condition" is defined as the following:

Uprights are straight and free from visible damage or twisting that exceeds Home Depot racking standards.
Beams are secured to uprights with safety clips, gravity pins or Grade 5 bolts.
Racking flue spaces are clear of fallen product
Heavy products (sheet goods, sheet rock mud, concrete, roofing material) are stored on 5" beams or larger with grade 5 bolt.
Wooden stickers are spaced with gaps to allow sprinkler flow.
Heavy products are stored on wire decking or 2 metal cross bars per pallet from front beam to back beam.
Column protectors are installed on all uprights of high fork lift
Column protectors are installed on all uprights of high fork lift traffic areas (lumber, building materials, garden, flooring tile etc)

NOTE: If you have questions about safe racking conditions, contact your Store Manager or your District Safety Manager

Completed by: [Signature]Store Manager: [Signature]

SAFETY FLASH AUDIT

Store # 126 Date: 12-1-02

Complete this checklist once per week. Safety requires 100% execution. Report any unresolved safety issues to store management when audit is complete. Store documents in Infocus binder for 60 days

NOTE: Refer to "RACKING" section on this form for definitions of "Good Condition"

21-Lumber

1 Safety poles properly installed
1 units of lumber properly banded and safely stored
1 rack in department 21 is in "good condition"
1 department 21 is free of trip hazards and protruding objects

22-Building Materials

1 rack overheads are free from any hand stacked merchandise
1 ladders and vertically stored merchandise is secure
1 palletized merchandise is stretch wrapped or banded to pallet
1 rack in department 22 is in "good condition"
1 department 22 is free of trip hazards and protruding objects

30-Millwork

1 vertically stored products (doors, windows, molding) are secured
1 palletized merchandise is stretch wrapped or banded to pallet
1 rack overheads are free from any hand stacked merchandise
1 rack in department 30 is in "good condition"
1 department 30 is free of trip hazards and protruding objects

25-Hardware

1 overhead safety nets are closed, secured and in good condition
1 palletized merchandise is stretch wrapped or banded to pallet
1 hand stacked merchandise is stable and limited to 4 feet high
1 rack in department 25 is in "good condition"
1 department 25 is free of trip hazards and protruding objects

24-Paint/Décor

1 kits are available and properly stocked in Dept. 24
1 palletized merchandise is stretch wrapped or banded to pallet
1 hand stacked merchandise is stable and limited to 4 feet high
1 rack in department 24/59 is in "good condition"
1 department 24/59 is free of trip hazards and protruding objects

26-Plumbing

1 vertically stored products (pvc, copper pipe) are secured
1 hand stacked merchandise is stable and limited to 4 feet high
1 palletized merchandise is stretch wrapped or banded to pallet
1 water heaters are properly secured by cables
1 rack in department 26 is in "good condition"
1 department 26 is free of trip hazards and protruding objects

29-Kitchen/Bath

1 sinks (sinks, vanities, toilets) are secured to walls or floors
1 hand stacked merchandise is stable and limited to 4 feet high
1 palletized merchandise is stretch wrapped or banded to pallet
1 countertops are flat stacked or stored in overhead racking
1 rack in department 29 is in "good condition"
1 department 29 is free of trip hazards and protruding objects

27-Electrical

1 wire ends are secured to spools on the wire machine
1 hand stacked merchandise is stable and limited to 4 feet high
1 wire machine is free from stored product underneath
1 palletized merchandise is stretch wrapped or banded to pallet
1 rack in department 27 is in "good condition"
1 department 27 is free of trip hazards and protruding objects

23-Flooring

1 carpet machine is free from stored product underneath
1 hand stacked merchandise is stable and limited to 4 feet high
1 area rugs or other merchandise leaning outside the racking
1 rack in department 23 is in "good condition"
1 department 23 is free of trip hazards and protruding objects

028-Seasonal/Garden

- 1 Spill kits are readily accessible and properly stocked
- 2 Hand stacked merchandise is stable and limited to 4 feet high
- 3 The top overheads are free from any hand stacked merchandise
- 4 All palletized merchandise is stretch wrapped or banded to pallet
- 5 All racking in department 28 is in "good condition"
- 6 Department 28 is free of trip hazards and protruding objects

Receiving

- 1 Electrical and riser rooms are free of any stored material or products
- 2 Wheel chocks are available for all trailers at dock doors
- 3 There is clear access to eye wash stations in receiving area
- 4 Eye wash stations are visible, clean and properly operating
- 5 Hazardous materials cabinet is uncluttered and accessible
- 6 Chemical resistant PPE (goggles, gloves, apron) are available
- 7 In the lift equipment battery charging area
- 8 Fire exit door(s) in receiving are clear and accessible
- 9 The trash compactor door is locked when not in use
- 10 All racking in the receiving area is in "good condition"

Front End

- 1 All operating registers have anti-fatigue work mats in place
- 2 All displays at the registers are free from protruding objects
- 3 All doors at front end are unblocked and free of trip hazards
- 4 "Customer Safety Hotline" poster is visible to exiting customers
- 5 There is no leaning merchandise against the register counters

General

- 1 Rolling ladders are in the locked position and in good condition
- 2 Extension cords are not being used as permanent power (24hrs)
- 3 Banner nets are stored when not in use and are not a trip hazard
- 4 Electric ladders have required fall protection
- 5 Order pickers have required fall protection on board

Load&Go

- 1 The daily maintenance and safety inspections are completed
- 2 Load limit signage is attached, clear and readable
- 3 The Load&Go is parked in the closest space to the building

RACKING - "Good Condition" is defined as the following:

Uprights are straight and free from visible damage or twisting that exceeds Home Depot racking standards.
Beams are secured to uprights with safety clips, gravity pins or Grade 5 bolts.
Racking free spaces are clear of fallen product.
Heavy products (sheet goods, sheet rock mud, concrete, roofing material) are stored on 5" beams or larger with grade 5 bolt.
Wooden sticker are spaced with gaps to allow sprinkler flow.
Heavy products are stored on wire decking or 2 metal cross bars per pallet from front beam to back beam.
Column protectors are installed on all uprights of high fork lift.
Column protectors are installed on all uprights of high fork lift traffic areas (lumber, building materials, garden, flooring the aisle)

NOTE: If you have questions about safe racking conditions, contact your Store Manager or your District Safety Manager

Completed by: _____

Store Manager: Dennis Gault

See Display
Spill Kit - MISSING ITEMS
ABSENT

Shadow Box By Per Fine
Missing Caster

No!
No!
No!

? x 0"

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE OF BIRTH
AUTOD-1

DATE OF BIRTH
08/20/01

PRODUCER
Williamson, Musselwhite &
Main Street Insurance, Inc.
P.O. Box 1757
Savannah GA 30052
Phone: 770-466-2910 Fax: 770-466-3101

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A Zurich Insurance Services, Inc
INSURER B Legion Insurance Company
INSURER C
INSURER D
INSURER E

INSURED
Auto Doors Inc., of GA.
50 Old Peachtree Road, Ste.215
Suwanee GA 30024

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TRA	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	SCP36557750	06/28/01	06/28/02	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$ 300,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 10,000
					PERSONAL & ADV INJURY \$ 1,000,000
	GENL AGGREGATE LIMIT APPLIES PER				GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (E&A ACCIDENT) \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
	<input type="checkbox"/> DEDUCTIBLE				\$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WC51588049	10/06/00	10/06/01	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER \$
					E.L. EACH ACCIDENT \$ 100000
					E.L. DISEASE - EA EMPLOYEE \$ 100000
					E.L. DISEASE - POLICY LIMIT \$ 500000
	OTHER				
	Property Section	SCP36557750	06/28/01	06/28/02	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

these coverages are subject to the standard terms and conditions of the insurance company's policy. The Home Depot is named as an additional insured.

CERTIFICATE HOLDER

N

ADDITIONAL INSURED; INSURER LETTER

HOMED-4

Home Depot Maintenance Depart.
Fax: 770-384-4609
Lynn
2455 Paces Ferry Rd, SSC B-8
Atlanta GA 30189

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

Bruce Williamson

MAINTENANCE SERVICE AGREEMENT

THIS AGREEMENT is made and entered into this 8th Day of February 2001 by and between AUTO DOORS INC. OF GEORGIA with offices at 50 OLD PEACHTREE RD, SUITE 215 SAWANEE GA 30024 and HOME DEPOT U.S.A., INC., a Delaware corporation with offices at 2455 Paces Ferry Road Atlanta, Georgia 30339 ("Home Depot").

WHEREAS, Home Depot desires to have maintenance services performed by Contractor; and WHEREAS, Contractor desires to perform said services for Home Depot;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. SCOPE OF WORK. Contractor shall furnish all requisite services, materials, equipment tools and labor in order to perform maintenance services at Home Depot's stores as listed in Exhibit B which services are more fully described in Exhibit A, which is attached hereto and made a part hereof (the "Work"). The Work shall be performed and completed in a good and workmanlike manner with at least a normal degree of skill and care and in compliance with all applicable federal, state and local laws, rules and regulations.
2. TERM. This Agreement shall commence upon the execution hereof and shall continue indefinitely thereafter; provided that, either party may terminate this Agreement at any time with or without cause upon 30 days prior written notice to the other party.
3. PAYMENT. Home Depot shall pay Contractor for the performance of the Work in the amount set forth in Schedule A. Said amount shall be paid to Contractor within 30 days after receipt of an invoice.
4. INDEMNITY. Contractor agrees to indemnify, defend and hold Home Depot harmless from any and all claims, actions, demands, losses, causes of action, costs and expense (including attorney's fees) arising from the acts or omissions of Contractor under this Agreement which result in or are alleged to have resulted in any injury to persons (whether employees of Contractor, employees of Home Depot or other) or damage to property (whether property of Contractor, property of Home Depot or of any other party).
5. INSURANCE. During the term of this Agreement, Contractor agrees to maintain the following insurance coverage:
 - i) Worker's Compensation Insurance to the full extent required by the laws of the states in which the maintenance services are being performed; and
 - ii) Commercial General Liability Insurance, naming Home Depot an additional insured, with a combined single limit of liability for personal injury and property damage of not less than \$1,000,000.

Upon the execution of this Agreement, Contractor shall provide Home Depot with proof of the insurance coverage required hereunder. All such insurance shall be endorsed to provide Home Depot with at least 30 days written notice in the event of any proposed cancellation or modification.

6. DEFAULT. If either party fails to perform any of its obligations or any of the terms and conditions hereunder and said failure continues for a period of 10 days after written demand for performance, or if either party ceases to do business or becomes insolvent or proceedings are instituted by or against such party under any provision of any bankruptcy or insolvency laws, then the other party may, in addition to all other remedies available to it at law or in equity, terminate this Agreement forthwith.

7. INDEPENDENT CONTRACTOR. The parties recognize and agree that Contractor shall be and remain an INDEPENDENT CONTRACTOR with respect to Home Depot and nothing contained herein shall be construed as inconsistent with that status. This Agreement is not and shall not be construed as an agreement of partnership, agency or employment of Contractor or any of Contractor's employees. Contractor shall exercise control over its employees and shall be solely responsible for the payment of any wages, salaries or other compensation of its employees and the payment of any payroll taxes, unemployment insurance, social security, worker's compensation, pensions or annuities which are imposed with respect to payments of compensation from Home Depot to Contractor hereunder.

8. ASSIGNMENT. Contractor shall not transfer or assign this Agreement or the obligations hereunder without the prior written consent of Home Depot.

9. RIGHT OF TERMINATION. The right of termination as provided in this Agreement is absolute, and the parties have considered the possibility of expenditures necessary in preparation for performance of the terms of this Agreement and the possible losses and damages incident to them in the event of expiration or termination. It is definitely understood and agreed that neither party shall be liable to the other for damages in any form, by reason of the expiration or termination of this Agreement in accordance with the terms hereof.

10. NOTICES. All notices required or permitted herein shall be sent by certified or registered mail, return receipt requested, or by overnight courier, to the parties at the addresses appearing on the first page hereof, or to such other address as either party may in writing specify to the other party.

11. NO WAIVER. The waiver by either party of any breach of this Agreement by the other party shall not waive subsequent breaches of the same or different kind. The failure of either party to enforce any rights under this Agreement in a particular instance shall not operate as a waiver of said party's right to enforce the same or different rights in subsequent instances.

12. HEADINGS. The headings contained herein are for reference only and shall not be considered as substantive parts of this Agreement.

13. GOVERNING LAW. This Agreement shall be governed by and construed in